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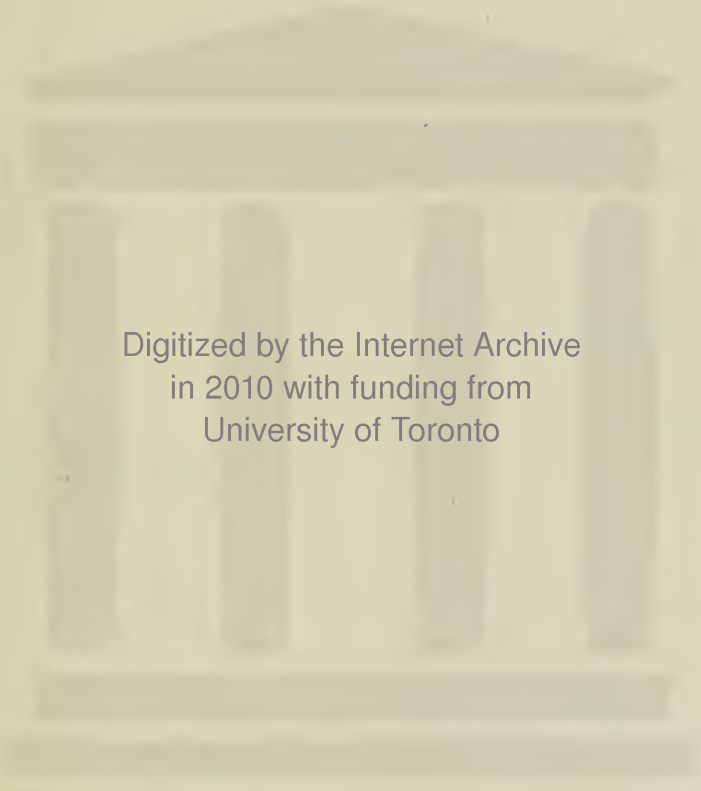
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THE MEDICO-LEGAL JOURNAL.

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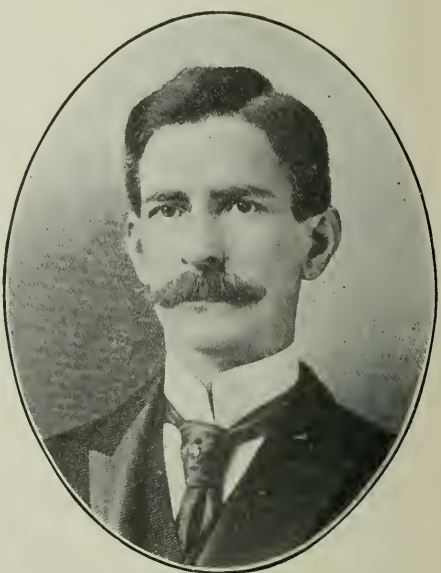

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Governor of Virginia,
Honorary Vice President.

HONORARY PRESIDENTS AND VICE PRESIDENTS AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS, NEW YORK, NOV. 1906.

THE CASE OF PATRICK.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK,
President of the Medico-Legal Society.

This case has assumed a most extraordinary position, and at present excites enormous public concern.

A brief outline of the latest features will be of great interest.

Patrick's conviction and sentence to death, for the murder of Rice, was based on the assumption that Rice's death was caused by chloroform, administered by the valet Jones, at Patrick's suggestion, based mainly upon the evidence of Jones, who gives details of the manner in which it was administered in his evidence, of which we give a synopsis.

Charles F. Jones, who was referred to as Valet Jones, and who was deceased's sole attendant, testified that on Sunday afternoon, September 23, 1900, the day of Mr. Rice's death, the latter insisted upon getting out of bed and sitting by an open window in his undercloth-ing; that he talked for some time and refused to return to bed, but finally arose to go, but could not do so on account of weakness; that Jones picked him up and carried him to his bed; that he seemed dazed and talked irrationally and that he then went to sleep, lying on his back, and did not ever after change his position; that several hours after, about eight o'clock, Jones took a face towel and wrapped it about his hands in a cone shape and pinned it; that he then in-serted into the cone a small sponge; that he then poured upon the sponge about one and a half or one and three quarters ounces of chloroform; that he then set the base of the cone upon Mr. Rice's up-turned face, covering his face and nose; staying only long enough

Presented to the Medico-Legal Society as a Report on the application to the Governor for a pardon and temporary Reprieve in the case of Albert T. Patrick, February 17, 1906.

Contributed to the International Medical Congress, Lisbon, April 19-25, 1906.

Contributed to the International Congress on Criminal Anthropology, April 29, 1906, Turin, Italy.

to balance it in position, that he then noticed no movement upon the part of Mr. Rice; then he hurriedly left the room, shut the door and remained outside thirty minutes, after which he returned and found Mr. Rice in the same position, with the cone balanced as he had placed it; that he then took the cone, consisting of the towel and sponge, and put it in the kitchen range, where there was no fire, and touched a lighted match thereto, and that it burned up quickly like oil.

The death occurred Saturday, September 23, 1900.

The attending physician was Dr. Walker Curry, a reputable and able physician, who two hours after death furnished the certificate of death, as follows: "Death was due to old age, weak heart, diarrhoea and mental worry."

The evidence of Dr. Walker Curry as to Mr. Rice's condition, illness and death, was as follows:

William M. Rice, the deceased, was examined April 10th, 1900, by Dr. Walker Curry, who found him suffering from a weak and slow action of the heart; his pulse was only 54, soft and compressible; he had dropsy in the lower limbs from the knees down and so swollen were his feet that he had always to have his shoes made expressly for him. He was 84 years of age. He had cyanosis or blueness of the face.

On September 8, 1900, he became greatly depressed on account of business troubles, which produced great mental strain, and his pulse then increased to 60, but was soft and weak.

On September 13th the doctor was of the opinion that with his weak heart and mental worry he might die any time. On September 15th he ate nine bananas at one time, about half of which were baked and half were raw. He had diarrhoea during the night with eleven stools.

On the 20th he ate a quantity of eggs and vomited incessantly for two or three hours.

On Saturday, September 22nd, the day preceding his death, and up to the time of his death, he suffered from a mild intermittent delirium, and there is some evidence as to his having some trouble about urination.

On the 21st the doctor's attention was attracted to his breathing. His respiration was about 23 to the minute, with a deep inspiration every minute as if in want of air. This condition continued to the day of his death.

Examination on the 21st and the next day did not disclose any congestion of the lungs, nor did the doctor detect any, when last he called at 11 A. M., on Sunday, the day of his death.

The doctor was called in about eight o'clock Sunday night, September 23, 1900, and found Mr. Rice dead, and apparently dead about thirty minutes.

He made two careful examinations and observed no odor or other evidence of chloroform or of asphyxiation. He gave a certificate that death was due to old age, weak heart, diarrhoea and mental worry.

An undertaker came immediately and the body was embalmed about two hours after death.

The Board of Health considered it a case for a coroner, and the following was the official action:

Forty-three hours after death an autopsy was performed by the Coroner's Physicians, Donlin and Williams, and Dr. Witthaus, the chemist and toxicologist.

CORONER'S OFFICE CITY AND COUNTY OF NEW YORK.
AUTOPSY.

An autopsy performed on the body of William M. Rice at Morgue on the 25th day of September, 1900, at 3 o'clock P. M., about 43 hours after death, by E. J. Donlin, M. D., Coroner's Physician, revealed:

"Inspection—Body emaciated; rigor mortis slight; small abrasion of back just to right of one lumbra vertebra; sutured wound at upper third of right arm (inside) P. M., sutured wound of abdomen about 2½ inches to right of umbillicus, P. M.

"Abdomen—Contained about a quart of embalming fluid.

"Left lung congested and oedematous—Right lung same and a small area of consolidated lung tissue about the size of a 25-cent piece in lower lobe.

"Heart—Pulmonary and aortic orifices slightly contracted.

"Liver—Firm, otherwise normal.

"Kidneys—Firm, capsules not adherent, surfaces granular, markings fairly distinct, and a number of small cysts. Pelvis R. K. dilated.

"Brain—Oedematous and pale. Bladder contained about five ounces of urine. Stomach empty. Colon slightly congested and contained a pale pasty and lumpy faeces. Small intestinne contained small quantity of bile stained fluid.

"Cause of death.....

"Signed E. J. DONLIN, M. D.,
"Coroner's Physician."

The embalming process by a professional embalmer was done, as follows:

Both the arterial and cavity process were employed, substantially as follows: The embalmer made an incision into the brachial artery in the upper right arm, into which he injected a colorless limpid fluid containing formaldehyde gas in solution, the "Falcon" brand, to such an extent that the embalmer swore that "the blood was driven out of the arteries, around and back to the heart and through a large channel (obviously the pulmonary artery) connecting the heart with the lungs and the air, and into the cellular tissues of the lungs." He swore that he made but a single incision into the vascular system in this process and that he took no blood from the body at all. This is to be borne in mind because ordinarily the blood is withdrawn through a vein tube inserted into the basilic vein, penetrating to the upper vena cava.

After completing the arterial process the embalmer did the "Cavity" work as follows: With a hollow needle he penetrated the abdomen and punctured the intestines and ejected through such a needle a quantity of embalming fluid, thus disinfecting the contents of the intestines.

Among the questions submitted by the President of the Medico-Legal Society, were the following out of eleven questions and replies:

Q. 6. If chloroform had been administered, as shown by the accomplice Jones in this case, what, in your opinion, would have been the condition of the body, viscera and lungs after the embalming process described had been used?

A. It is assumed not proven, that the deceased was living when the chloroform was administered by Jones. But, assuming that the deceased was living at the time the chloroform was administered, then the appearance of the body would not furnish sufficient evidence of death having occurred from chloroform, because all portions of the body were infiltrated with embalming fluid, and to isolate one from the other, by the appearances found in establishing the true cause of death, would have been impossible.

Q. 7. Would the medical witness be able to discriminate from the post-mortem condition, between the administration of chloroform as a cause of death, or as the result of the embalming process? Or what reliance could be placed on the medical witnesses, who based their opinion on the administration of chloroform as the cause of death, and who did not take into consideration the fact, that the body had been embalmed as described by the evidence?

A. It would be impossible for anyone to discriminate, from the post-mortem appearance, between the administration of chloroform as a cause of death, or as the result of the embalming process, as stated in the evidence.

No one could truthfully have stated that death was wholly caused by the inhalation of chloroform, from appearances as presented at the autopsy, because of the presence of embalming fluid, and further, because chloroform was not found by chemical tests.

No reliance could be placed upon the conclusion formed, or opinion expressed by a witness, respecting the cause of death as shown in the lungs, to be from chloroform or any other cause, without taking into consideration the fact of the body having been embalmed.

Q. 8. Please report as to the result of your examination of all the medical and other evidence bearing on the issues submitted to you, the actual cause of the death of the deceased Rice, and the reasons on which your opinion is based.

A. The Certificate of Death, as furnished by Dr. Curry and issued two hours after death, read as follows:

> "Death was due to old age, weak heart, diarrhoea, and mental worry."

From the testimony of Dr. Curry, it appears that the deceased had been under his professional care for about eight months preceding his death, and during all this time Mr. Rice was suffering from old age, weak heart, indigestion, and diarrhoea at intervals, mental worry, and oedema (dropsy) of the lower extremities.

At 11 A. M., on the day of Mr. Rice's death, and about eight hours preceding it, Dr. Curry found him suffering from practically the same symptoms as above described, with the addition of increased frequency in respiration, some intermittent delirium, and the conditions heretofore noticed as somewhat aggravated.

At 8 P. M., same day, the Doctor called and found Mr. Rice dead, and apparently had been dead thirty minutes. No odor of chloroform was detected by him throughout the room, or on close inspection of the body, and no evidence of asphyxiation. Very shortly following this examination of the deceased, Dr. Curry issued the certificate, as above stated. From all the testimony bearing upon the phase of this case, including the evidence of Jones and the findings of the coroner's inquest, we have no reason for changing the certificate of death as issued by Dr. Curry, and upon which the coroner permitted the cremation of Mr. Rice's body.

Questions and answers of the Select Committee, Nos. 10 and 11, were as follows:

Q. 10. If, in your opinion, the cause of the death is uncertain, or doubtful, report fully your views and reasons therefor.

A. We, as a Committee, are agreed as to the cause of death, and entertain no doubt respecting the truthfulness of the statements embodied in the certificate of death, as made out by Dr. Walker Curry.

Q. 11. State whether, from all the evidence, the death of Rice resulted, in your opinion, from the administration, or inhalation of chloroform, and the reasons and basis of your conclusions.

A. The Committee are agreed, after carefully analyzing all the medical and other evidences furnished upon the case, that Mr. Rice did not die from chloroform poisoning, and furthermore, that no chloroform was administered by Jones, as stated by him to Mr. Rice while the said Rice was living, because it would have been impossible for the towel cone containing chloroform to remain unsupported upon the face of Rice, while asleep. It is also the opinion of the Committee, without exception, that no chloroform was ever administered to Rice by Jones, as stated by him, because it would have been impossible not to have detected the odor of chloroform either in the room occupied by the deceased or from the body, as the amount of chloroform employed, as alleged, would have saturated the beard of deceased and retained the odor for many hours, however thoroughly the apartments may have been ventilated. The testimony of Jones, that a lighted match applied to the towel containing about two ounces of chloroform, was followed by a "burning up quickly like oil," is absurd, because in an experiment performed by us in like manner, it required over fifty minutes to consume the towel.

The answers herein contained to the several questions propounded are necessarily condensed, but they represent the conclusions reached by the Committee after a great deal of research and upon reading a mass of evidence given at the trial; upon the statements of authors in this branch of science; upon individual experience and experiments, and upon answers to the questions furnished and forwarded to us by experts who are engaged in this line of scientific investigation.

Dr. Grinnell added:—

As Chairman of the Committee, I respectfully beg to acknowledge the services rendered by all the members of the Committee in securing evidence to be used in formulating onswers to the questions propounded, and I congratulate the Society upon being so fortunate in its selection of so many gentlemen of distinction who have, through their efforts, solved a scientific problem, the value of which cannot be estimated, and, without such assistance, your Chairman would have been helpless in satisfying this Society's expectations.

Respectfully submitted,

A. P. GRINNELL, M. D.,
Chairman of the Committee,
500 Fifth Avenue, New York City.
W. H. FRANCIS,
HOWARD S. ECKELS,
JAMES MORAN,
JUSTIN HEROLD,
VALDEMAR SILLO,
Members of Committee.

The application of the defendant Patrick to the Medico-Legal Society for a special examination of the scientific questions involved, was made in November, 1904, through the Secretary submitting a statement of alleged facts, prepared by Albert T. Patrick.

The Society entertained, and after discussion, it was:

Moved and carried that the application be referred to a Select Committee, to be named by the chair, to examine into the facts with full power, and authority to take evidence and hear witnesses and to make their report on the Medico-Legal questions presented to the Society with all convenient speed.

The question was carried and the chair announced that he would name a suitable committee at an early day.

That the President after considerable difficulty completed the formation of the committee, and the statement of facts which he had prepared after an examination of the printed case on appeal, which had been furnished to the Medico-Legal Society by Hon. David B. Hill, of counsel in that case.

The full submission and accompanying papers, and the Report of the Select Committee and accompanying papers; the correspondence with the District Attorney, and the discussion and the opinions of Prof. H. S. Eckels in the case, appears at p. 494 et Sept. Medico-Legal Journal, Vol. 22, No. 4.

The Report of the Committee was approved at the February Meeting of the Medico-Legal Society, on February 15, 1905.

The Court of Appeals rendered a decision denying the motion for a new trial and sustained the decision of conviction, by a close vote, four for and three against.

Mr. Justice Grey wrote the prevailing opinion, and Mr. Justice O'Brien and the Chief Judge the dissenting opinion, in opposition.

The President of the Medico-Legal Society prepared a review and dissenting analysis of the opinons, which appears in the September Number, Medico-Legal Journal, 1905.

The Court fixed January 22, 1905, for the execution of Patrick and the following action was taken, on January 4, 1906:

I had decided to place the situation before the Executive Committee of the Society, and in pursuance of its action

stated below I proposed and sent to the Governor of the State, the following letter applying for pardon and sent out the appeal and letter mentioned above. The letter to the Governor was as follows:

Medico-Legal Society,
Office of the President,
No. 39 Broadway.
New York, January 6, 1906.

Honored Sir:—

I have the honor to inform your Excellency that at a meeting of the Executive Committee of the Medico-Legal Society, held January 4, 1906, the following resolution was adopted:

The Chair called the attention of the body to the present situation of the Patrick case, the decision of the Court of Appeals adverse to the appeal of the Prisoner for a new trial and for a reversal of the previous sentence.

Also the Report of the Select Committee appointed by the Society in the Patrick case, of which Dr. A. P. Grinnell was Chairman; also the opinion by the President in a Brochure reviewing the decision of the Court of Appeals in that case; and in view of the fact that it was the unanimous opinion of the Executive Committee of the Society that the death of Rice was not due to chloroform as testified to by the witness Jones; and that the facts in the case were not properly presented to the Jury on the trial, he asked for the consideration of the Board, as to what was the duty of the Medico-Legal Society in the premises, because as the case now stands, nothing but Executive clemency seems to be standing, between the execution of Patrick; and his execution would in the opinion of the President be a complete miscarriage of justice.

It was moved and carried that the President of the Society be instructed to prepare and submit to the Executive of the State an appeal for the pardon of Patrick, calling attention to the action of the body, and its Committee, on the case as presented, with the opinion of the President based upon a careful examination of the entire evidence in the case; and to the universal feeling on the part of the

Executive Officers of the Society that the cause of death as stated by the witness Jones was incredible, and in our opinion impossible; that death did not, and could not have resulted in the manner described by the witness who seems to have been credited by the Jury.

Resolved, That the members of the Society be invited to sign a petition to the Governer for the pardon of Patrick, and that they be called upon to sign such petition and induce others to do so."

In carrying out the instructions of the Executive Board I have the honor to submit:

1. The Report of the Select Committee of the Medico-Legal Society upon the case of Patrick, of which a copy is annexed, contained at pages 9 to 14 inclusive, of the printed papers entitled Medico-Legal questions arising in the case of Patrick, convicted of the murder of Rice by alleged inhalation of chloroform compiled by myself, as President of the Medico-Legal Society, which contains a statement of the case, submitted to the Committee.

2. Copy of the letter addressed to the District Attorney of New York County, and to Mr. James W. Osborne, Assistant, who tried the case for the People.

3. The remarks made by Prof. H. S. Eckels, of Philadelphia, the expert embalmer, who had acted on the Committee before the Society on the discussion of the Report before the Medico-Legal Society, and the attitude and action of the Society, and its relation to the case of Paul Schoeppe alluded to therein.

4. The action of the Society in unanimously approving the Report.

I desire to call the attention of your Excellency to the following facts in addition to what may appear in the printed papers submitted:

a. That the case submitted and the report thereon was made after a very careful examination of all the evidence of the witnesses in the case, as it appears upon the pages of the printed case, used before the Court of Appeals by the undersigned, which is contained in four volumes and which can be consulted by you now on file in the Office of the Clerk of the Court.

That the same printed evidence was furnished by the undersigned to each and every member of the Select Committee as the basis of their Report.

b. That Patrick was never tried for the forgery of the Wills, nor indicted.

That Jones was never tried for the murder of Rice, but was, as was asserted and not denied, promised immunity, was discharged, and is still at large.

5. I have the honor to further submit and present to your Excellency, a review of the case of Patrick before the Court of Appeals, with extracts from the written opinions of the Judges of that Bench, with the conclusions reached by myself upon the whole case.

6. I, therefore, appeal to your Excellency, to grant full pardon to the accused notwithstanding the record of conviction, and the refusal of the Court of Appeals to set it aside, because

1. It is impossible and incredible, that Rice came to his death by chloroform, as testified by Jones.

2. That an inspection of the evidence, in the light of facts as elicited at the trial, and by the Select Committee of this Society, make it clear that the defendant Patrick is not guilty of causing the death of Rice.

3. While Patrick seems to have been regarded as guilty of the forgery of the Will by the Jury who tried him, and by the Court or members of it, who finally passed upon the appeal; there is no evidence in the case that he was guilty even of that crime; that he was never tried or convicted of it, and, if guilty, could still be tried and convicted. That forgery is not punishable with death under our law, and that it is impossible to escape the conclusion, after reading the evidence that members of the Court of Appeals have decided and acted in this case, on the assumption of Patrick's guilt of the forgeries.

4. That in a case where the Judges were so evenly divided; if you reach the conclusion that any of the Judges in the majority were thus influenced, in the rendition of their vote, in which the Chief Judge and two others, were opposed to sustaining the conviction, and the four Judges who did favor it, were influenced, or some of them, by

their belief of the guilt of Patrick of the forgery, which if so, should give the balance of the judicial view outside of this assumption in favor of the accused.

7. I am directed to call to your attention the fact:

1. That the action of the Select Committee of the Society was unanimous, that Rice did not die from chloroform.

2. That the unanimous approval of the Medico-Legal Society of the Report of its Select Committee indicates a general belief that he is not guilty.

3. That the time set for his execution is so near at hand that you have not time to even read the voluminous evidence.

That while it is your clear duty to pardon, the only possible theory in which a reprieve would be proper, would be to furnish the Executive with ample time to reach a conclusion in the case after a full examination of the evidence.

A petition by members of the Society and others will be forwarded later.

I am, Sir, with high consideration,

Very faithfully yours,

CLARK BELL,
President of the Medico-Legal Society.

To

Hon. Frank W. Higgins,
Governor of the State.

The letter, of which the foregoing is a copy, was sent to Governor Higgins on January 6, 1906, attached to it was a printed pamphlet of twenty-three pages, issued by Clark Bell, as President of the Medico-Legal Society, entitled "Medico-Legal Questions Arising in the Case of People v. Patrick." "Submitted to a Select Committee of the Medico-Legal Society."

"The Report of the Committee thereon and action and discussion on the same." (Vide March Medico-Legal Journal).

Also, a Pamphlet of twenty-three pages, entitled, "The Patrick Case," by Clark Bell, Esq., LL. D., President of

the Medico Legal Society. "A Review of the Case before the Court of Appeals," being a report from the September Number Medico-Legal Journal, 1905.

The enclosed response of the appeal sent by me to the Telegram, of Elmira, N. Y., gives a copy of the Petition and of the original letter which accompanied it, signed by citizens of Elmira, reached me on the 15th of January, as printed in the Telegram of that city:

MURDERER PATRICK'S INFLUENCE FELT HERE.

Through the concerted action of his many friends throughout the State, Albert T. Patrick, the brilliant lawyer who is sentenced to be electrocuted this month for the murder of millionaire Rice, might be saved from death. Yesterday a blank copy of the petition for executive clemency, which is being circulated throughout the State, arrived in this city. It was signed by Clark Bell, President of the Medico-Legal Society, of New York. Attached to it was the following note:

URGENT.

New York, January 8th, 1906.

To the Fellows of the Medico-Legal Society:

I enclose to you a petition to the Governor of the State for the pardon of Patrick, now under sentence of death, acting by order of the Executive Committee.

As Patrick is sentenced to be executed this month, the petition for his pardon should reach the Governor at the earliest possible moment. Please sign and return the petitions and obtain signatures of others.

Duplicate petitions will be sent, so that names can be obtained later after those sent first.

A copy of the appeal to the Governor will be mailed to you shortly, and the papers accompanying the same will appear in the Journal.

The report of the Select Committee was unanimous, that the death of Mr. Rice was due to natural causes and not to chloroform administered in the manner testified to by the Witness Jones, and this report based on a full examination of all the evidence in the case, was unanimously approved after a full discussion by the Society.

Very faithfully yours,

CLARK BELL,
President.

The petition, which will be of general interest, is made out as follows:

To the Honorable Frank W. Higgins, Governor of the State of New York:

The undersigned members of the Medico-Legal Society, and others of like mind believing, that

1. The death of Mr. Rice was due to natural causes, as certified by his attending physician, a man of high standing in his profession and of unblemished character, and

2. That the death of Rice was not due to chloroform, nor to any administration of it in the manner described by the Witness Jones, and

3. That Albert T. Patrick is not guilty of the crime for which he was indicted and tried of the killing of Rice, and that he is wholly innocent of the alleged crime for which he has been tried, convicted and sentenced to death, we appeal to you to pardon Mr. Patrick and prevent the execution of a man by process of law for a crime which he did not commit. And we pray that if you are in doubt as to the guilt of Patrick, that you commute his sentence to such a time, as will enable you to make a thorough examination into the evidence and all the facts which will convince you of the innocence of the condemned and save the State from the disgrace of shedding innocent blood by Patrick's death.

January 9th, 1906.

Names. Residence.

A note appended reads as follows:

Please sign this petition and have it signed by men and women near you and return it to Clark Bell, Esq., 39 Broadway, New York. Then enclose the duplicate sent you to some one who will circulate it at once and return it with the signatures to Clark Bell, President Medico-Legal Society, 39 Broadway, New York City, by and before the 15th following instant.

Whether any Elmirans will take an active interest in this matter is not known.

This petition was signed by John Moore, Managing Editor Elmira Telegram; W. C. Gill, Editor and Attorney; Joseph F. Carter, Supt. Evening (Elmira) Telegram; Roman R. Thurston, Artist, Elmira Telegram; Joseph P. Biggs, Foreman, Telegram Composing Room; Joe. H. Geer, Telegraph Editor, Telegram; Geo. A. Jones, Engraver, Elmira Telegram; Alex. G. Cuthbert, Employing Barber; Robt. M. Shay, Barber; F. Carpenter; A. S. Carter, Jr., Bookkeeper, Silsbee Furniture Co.; R. S. Seely, Merchant; W. H. Roat, Undertaker.

This petition was followed by every mail with signatures, to the petitions, from our members in every direction, until more than a thousand signatures came, by the time that the Public Press announced that the Governor had decided to grant a Reprieve.

As time was so important and the Society did not meet until the 17th of January, I decided to send a few of the petitions to the Governor, and on the 15th of January, I sent the second letter, having received his acknowledgement and receipt of the letter of January 6th. The following is a copy:

Medico-Legal Society,
Office of the President,
39 Broadway.
New York, January 15, 1906.

Sir:

I have the honor to enclose copy of a petition to your Excellency, asking executive clemency for Albert T. Patrick, sent by me to members of the Medico-Legal Society and others of our citizens, believed to be of the opinion that Mr. Patrick should be pardoned by that Prerogative the People of the State places in the hands of its Chief Executive.

This petition was sent out accompanied by a letter, of which a copy is herewith also enclosed on the 8th to 10th of January, as most urgent because the date fixed by the Court for execution of the death sentence was so near as to make extreme haste a necessity.

The replies came, commencing on the 12th and 13th the first installment, and while I have intended to delay their transmission until after our Annual Meeting, on the 17th, I have shrunk from the awful responsibility of doing so, because of the very few days remaining before the day fixed for execution, lest my inaction might result in affording cause or seeming justification for withholding your preliminary reprieve, and for ample time, not only, to enable you to read the evidence; to look into extraordinary circumstances that surround this case; but to enable the People, not only of our State, but of the country to be heard on the question forced upon you for ultimate decision in this in every way remarkable case.

I beg then to send you, out of the large number of names already returned to me only a few of the more prominent citizens who thus appeal to you for the pardon of Patrick.

I enclose the name of that eminent and distinguished man, Samuel L. Clemens, whose family unite with him in the appeal.

I send you the entire medical staff of the State Hospital for the Insane at Morris Plains, New Jersey, sent by a member of this Society, Dr. Britton D. Evans, Medical Superintendent.

I send the first return of a member from Westport, Connecticut, Dr. F. Powers, who returns the names of all the clergy of his town and who writes me that he will shortly send the duplicate signed by a larger list of suppliants for your clemency; the chemical expert, H. S. Eckels, of Philadelphia, with 16 names of eminent men of Philadelphia; of Dr. J. Percy Wade, of the State Hospital for the Insane, at Catonsville, Maryland, with 20 names; of Dr. Charles R. Weed, of Utica, with the names of 14 physicians and 15 business men; of Dr. C. C. Harvey, late member of Assembly from Yates, one of our members whom you know, with 14 names as samples.

I send you a few hundred names returned by our members from cities and towns near me to show your Excellency how universal is the belief in the innocence of Mr. Patrick of the crime for which he was convicted and sentenced, in the popular mind of all classes of our people not only, but also to illustrate the spontaniety and alacrity with which they responded to my urgency call, lest you might neglect to give the temporary reprieve, if you did not feel willing to exercise the prerogative of pardon now.

And I will, on Thursday next, send all I then have received, and continue them until you have granted the preliminary reprieve, which I assume you will grant (and I hope speedily) and will later send the whole list of those who are now supplicants for your ultimate clemency.

With regards, faithfully yours,

CLARK BELL,
President Medico-Legal Society.

To His Excellency,
The Hon. Frank W. Higgins,
Governor of New York, Albany, N. Y.

Professor Marshall D. Ewell, of Chicago, an Honorary member of the Society, sends one of the petitions endorsed as follows:

I have always believed that the evidence in the Patrick case was not sufficient to warrant a conviction and that there was vastly

more than a reasonable doubt of his guilt. I reached this opinion from reading the evidence and proceedings in the case.

Under such circumstances his execution would, in my opinion, be worse than an error

MARSHALL D. EWELL,

Late Lecturer on Medical Jurisprudence at Cornell University and the University of Michigan.

Among the replies enclosing the petitions received, I embrace only a few.

Dr. Geo. B. Miller, formerly chemist of the Society, wrote as follows:

Dr. George B. Miller,
634 Diamond Street, Philadelphia, Pa.

My Dear Mr. Bell:

Enclosed find petition signed by representative citizens of Philadelphia asking Governor Higgins, of New York, to stay the execution of Mr. Patrick until he can investigate the evidence which will establish the innocence of the above named lawyer. I have found that there is an universal opinion amongst the intelligent and educated classes of the innocence of Patrick, and a strong desire to see him pardoned by the Governor of New York.

Taking the evidence scientifically I unhesitatingly assert, that it is impossible to use chloroform to produce death in the manner asserted by Jones in his testimony, and this evidence of Jones, instead of convicting should have acquited Patrick. There is not the slightest doubt, that Mr. Rice died of natural causes, as certified to by his attending physician, Dr. Curry.

The foregoing I state from a scientific standpoint and his electrocution would be a stigma on the State.

With the kindest regards and best wishes I remain,

Respectfully,

G. P. MILLER.

Philadelpria. Jan. 14, 1906.

Governor Higgins sent the following letter:

Seal of the
State of New York

State of New York,
Executive Chamber,
Albany, Jan. 9, 1906.

Mr. Clark Bell, President Medico-Legal Society, 39 Boadway, New York City.

Dear Sir:

Governor Higgins has your favor of the 6th instant, informing him of the action of your Society relative to the Patrick case.

The Governor is glad to know the views of the Executive Committee of the Medico-Legal Society, and directs me to say that your communication will be very carefully considered by him.

Very truly yours,

FRANK E. PERLEY,
Secretary to the Governor.

Mr. Patrick has employed Attorneys Black, Olcott and Gruber, to make an application under a special Statute in this State, to the trial Court for a new trial, on the ground of newly discovered evidence. There will be a strong effort made by these gentlemen to obtain a new trial.

Concurrently with our action, Dr. Allan McLane Hamilton, on his own motion, impressed with the circumstances that had surrounded the case; of the innocence of Patrick, had appealed to the Governor for Executive clemency; and had obtained the signatures of prominent citizens and members of the Medical profession in his behalf, to a petition for pardon, which largely contributed to the preliminary Reprieve, and he, as well as the members of this Society, will in all ways co-operate with the counsel in their contemplated proceedings.

From the standpoint of the Executive Committee of this Society, Albert T. Patrick should be pardoned, because he is not guilty of the crime for which he was convicted.

If these final efforts of new and eminent counsel, who will spare no pains, should fail, then the question will come to the Governor direct for the Pardon, and as the time is short, the petitions for pardon should be signed and forwarded to add to those now in the hands of this Society to be used when needed

Two petitions were sent to each of our leading members, and one of these should be signed and held ready for the emergency, if the legal application for a rehearing is unsuccessful.

Patrick has been in prison over four years. He has not been indicted, nor has he been tried for forgery. He certainly is not guilty of aiding or causing the death of Rice, in the manner that Jones described, the Governor should interfere by pardon; and it is not prudent or safe,

that the life of Mr. Patrick should depend upon the result of an application for a rehearing on the ground of new evidence.

It might be impressive to some minds, that proof was obtainable, that Jones had since the trial confessed that his evidence was false as given on the trial, but it would not be reliable, and what difference would it make what such a man swore to.

At best it was evidence of a wretch, who has sworn that he had committed a deliberate murder, under a promise of immunity from punishment, for a murder he swore he had committed.

Our laws safeguards against such testimony in part, but who could believe anything such a man confessed?

It is susceptible of scientific demonstration that Jones' evidence was false. If the Governor finds time to read the evidence in the case, he would be forced to pardon Patrick, and it would make little difference what Jones says or does, in reaching the truth in this matter.

The public sentiment of the State demands the Pardon of Patrick, and the Report of the Select Committee of this Society, demonstrates beyond doubt or question the innocence of the accused of the crime with which he was charged and convicted.

The difficulty in the way is that the evidence is very voluminous. The Governor could not read it and attend to his other duties in a week. He may decide not to read it. He should either do so, or select some one in his confidence to read it for him. Any unbiased mind that reads the evidence and considers the testimony of Jones as to the alleged method of the killing, will at once dismiss the whole of Jones' evidence as not only entirely unworthy of credit, but as incredible and false as to what actually occurred.

It is now an open fact, that very large sums of money were paid out to secure the conviction of Patrick. The

statements have been published in the public press, with names and amounts, as we are informed. However, this may be, it is safe to assert that no matter what, may be the result of the effort for a re-trial or rehearing, it is simply impossible now, with the light thrown on the case by the investigation before the Select Committee of the Medico-Legal Society, for any fair unprejudiced mind to regard Patrick guilty of the death of Rice.

MRS. WILLIAM SLIFER,
Grundy Centre, Iowa.

MR. WILLIAM SLIFER,
Grundy Centre, Iowa.

ALLEGED MURDER BY INHALATION OF CHLOROFORM TO SLEEPING, UNCONSCIOUS VICTIM.

CASE OF PEOPLE V. SLIFER.

The Case of William Slifer, tried in the District Court at Grundy Center, Iowa, for the murder of his wife, Kate Slifer, by the administration of Chloroform, Oct. Term, 1904.

BY D. S. FAIRCHILD, M. D., DES MOINES, IOWA.

In this case it was alleged that the husband, Wm. Slifer, accomplished the death of his wife, Kate Slifer, by chloroform administered by inhalation. The circumstances were such as to make it necessary for the state to show that the administration was accomplished while the woman was asleep and without awakening her. The defense endeavored to prove that Mrs. Slifer came to her death by swallowing the chloroform with suicidal intent. It was admitted that death was caused by chloroform poisoning and that there was no known motive for either murder or suicide. The contention was based largely on expert evidence to establish a reasonable probability as to how the chloroform was introduced into the body. A considerable number of medical gentlemen were called from different parts of the state on both sides to give testimony as to the question of chloroform being administered by inhalation, while the woman was asleep without a struggle or awakening her, and as to the effect of chloroform on the stomach, and as to the probability of 1½ ounces taken into the

Read before the Medico-Legal Society, May 16, 1906.

stomach producing death in two hours, without objective evidence or leaving any trace on the mucus membrane of the mouth or stomach.

Mr. Slifer was a farmer, about 21 years of age, and Mrs. Slifer, of about the same age, both belonged to good families, were of good character and much respected in the community and were comfortably provided for. Both had passed their lives on neighboring farms, had lived simple lives, had cultivated industrious habits and were free from excesses of any kind. They had been acquainted from childhood and were much attached to each other, and no discord or difficulty, so far as known, had ever arisen between them. Both had enjoyed apparently good health, except that Mrs. Slifer had suffered from "vitilligo," which fact had been known to only a few of her friends, and had not appeared to effect her general health.

On December 23rd, 1903, Mr. and Mrs. Slifer drove to Marshalltown, Iowa, a distance of about 20 miles, to make some purchases, and late in the afternoon returned, reaching home a little before nine o'clock and soon retired to their room. Mrs. Slifer taking no supper,—she had eaten only a few salted peanuts during the afternoon. She made no complaint except that she was tired from her ride, and it was not observed that she was feeling unwell or other than in her normal condition.

The couple had been married something less than a year and were living on the home farm with Mr. Slifer's father and mother, occupying the same house and adjoining sleeping rooms separately only by an ordinary thin partition.

At 11 o'clock or two hours after retiring, Mr. Slifer, only partly dressed, came hurriedly into his father's and mother's room and stated, in an excited manner, that Katie, his wife, was dead, and appeared to be greatly prostrated. Mr. Slifer alleged that he went to sleep almost immediately after retiring and was only awakened by placing his hand on a wet cold surface, which he discovered to be the face of his dead wife.

At the coroner's inquest the physician who was called the night of Mrs. Slifer's death, testified that the deceased was lying on her left side with her right hand under the covers and resting on her thigh, the left hand on her chest and her head on the pillow. Also that there was a quan-

tity of vomited matter, chiefly water, estimated at from several ounces to a pint which appeared to have flowed out of her mouth on the pillow. The testimony showed that she was lying in an easy and careless position, partly covered as if she had lain down and at once fallen into a peaceful sleep. On a small stand near the bed was found a cup and a glass, the latter containing a little water. On a dresser, partly covered with ladies' toilet articles, was found a 2 ounce vial containing a little less than half an ounce of chloroform, labeled "Chloroform" and bearing the label of a druggist in Marshalltown, Iowa. Near the bottle was a piece of paper on which was written these words: "In this way I end my troubles."

From the date of Mrs. Slifer's death to the time of arrest —ten days later, Mr. Slifer's conduct was such as to meet the approval of the neighbors and the feeling manifested by him were such as would naturally be expected of a man whose wife had died under these distressing circumstances. A letter was found, in which it was stated that she was about to take her own life, and hinted that the skin affection above referred to was the probable chief cause, although a strain of mental depression could be detected running through the short and somewhat vaguely worded communication. Notwithstanding, certain persons in the community doubted the truth of Mr. Slifer's statements and the genuineness of the letters and were instrumental in bringing about a criminal prosecution.

Ten days after Mrs. Slifer's death Mr. Slifer was arrested for the murder of his wife. The body was exhumed and an autopsy made by Dr. N. C. Morse, of Eldora, Ia., assisted by several other physicians and in the presence of Prof. Kinney, Professor of Chemistry in Drake University, DesMoines, who took charge of the stomach and other tissues for chemical examination.

The body was found to be in a good state of preservation. The abdominal organs were in normal position and appearance until the stomach was fully exposed, when a "redish-brown" spot was found on the posterior surface of the organ and near the cardiac end,—in the most dependent portion as she lay on her back—"of about the size of a silver dollar." There were similar discolored "spots" on the posterior surface near the pyloric end and in the duode-

num, but of smaller size and less marked. The stomach contained a few ounces of fluid and was removed by tying the esophagus and the duodenum. Portions of the liver, the kidneys, portions of the lungs and brain were removed and placed in a properly prepared jar and delivered directly to Prof. Kinney. Microscopically, these specimens presented nothing abnormal except the stomach as above stated.

At the trial, in September, 1904, the State attempted to establish the theory of death from chloroform administered by her husband by inhalation while asleep and without awakening her.

Prof. Kinney, the chemist, who examined the stomach and other organs, testified that he found no chloroform in the stomach or its walls or in the blood or kidneys, but he was able to recover a small amount from the brain and a larger quantity from the lungs. Prof. Kinney further testified that the stomach contained a few ounces of fluid and a few partly digested peanuts, and that the mucus membrane appeared normal. This testimony was corroborated by Dr. A. M. Linn, who was present at this examination.

Dr. N. C. Morse, who made the autopsy, and the other physicians who assisted and testified to the spots above referred to—also testified that otherwise the tissues were normal in appearance, and that they discovered no marks of irritation in the mouth.

The attorney for the defense, Mr. C. E. Wheeler, admitted that the deceased came to her death by chloroform, but denied that it was administered by inhalation, but contended that it was taken into the stomach of the deceased herself with suicidal intent.

The State on the basis of the chemical examination attempted to establish the fact that the absence of chloroform in the stomach or its walls and its presence in the lungs and the absence of local evidence of irritation in the mouth, fauces or stomach, was conclusive evidence that the chloroform was not swallowed. In the same line it was contended that the question of pain from swallowing undiluted chloroform and the small quantity taken was evidence of great value in controverting the theory of the defense.

The defense showed on cross examination of the State's expert witnesses that the chloroform would have escaped from the stomach and from the blood into the tissues where it would be more closely fixed, as in the brain and lungs, after a period of ten days.

The defense also attempted to show that the discolored "spots" in the stomach walls,—which were introduced in evidence by the experts for the state—were not normal and might be evidence of an irritant, such as chloroform—in the stomach. This examination which was conducted with great skill found the experts for the state unprepared with a theory to meet this inquiry, and the state unfortunately found itself placed in the position of a defendant endeavoring to explain the significance of its own evidence.

It was admitted that the disappearance of chloroform from the stomach and blood post mortem after ten days was not positive evidence that no chloroform had been in the stomach, and therefore, the absence of chloroform in the stomach after that period was no evidence that chloroform had not been in the organ. It was further admitted that in the two hours which the woman lived after the chloroform was alleged to have been introduced into the stomach was too short a period for any ulcerative process to have been established, and that evidence of congestion alone would disappear soon after death.

Considering the short period of the time the woman lived after the chloroform was administered, rendered the evidence presented by the stomach itself of no material value. The admission that within the period between death and the autopsy, the fluid would probably have been escaped from the organ and that within the same period the local effects upon the stomach would have disappeared, gave but little real scientific support to the contention of either side.

The attorney for the defense, however, insisted that the discolored spots testified to by the experts for the state was bound to explain, not being content with a denial that they were of any significance whatever.

Various theories were offered in explanation. It was contended that the discolored spots were due to post mortem changes, or to masseration from contact with the pres-

ervation fluid from cavity embalming, or to pressure of the stomach against the vertebra, or to post mortem digestion.

The defense very carefully showed on cross examination that the mucus membrane and the stomach walls were in a good state of preservation and did not show evidences of post mortem changes, and further that the preservation fluid would in all probability, and did in this case prevent post mortem digestion, and that the chloroform itself unaided by other means would during its presence in the stomach and within the time after death that post mortem digestion would take place, prevent such changes.

The expert witnesses for the defense could not testify that the "discolored spots" were due to the presence of chloroform or other irritant in the stomach, in view of the fact that the mucus membrane was intact, and also in view of the fact, that in the two hours of life following the alleged introduction of chloroform into the stomach there was not sufficient time for ante-mortem inflammation or ulceration to take place. The evidence showed that the discoloration was entirely confined to the outer surface of the stomach in the most dependent portion where the venous circulation was abundant, and where the blood would naturally gravitate, and that after death, a sufficient amount of coloring matter of the blood had separated to stain the tissues.

In answer to a hypothetical question propounded by the attorney for the defense, it was admitted, that during life an active arterial congestion under the irritating influence of chloroform would be probable, and that on account of the elastic properties of the walls of the arteries the unusual quantity of blood would be emptied into the capillaries and veins post mortem, and thus furnish a larger quantity of blood from which pigment could separate and diffuse staining the tissue to an unusual degree than if chloroform or other irritating substance had not been introduced into the stomach.

The State attempted to show that chloroform introduced into the stomach would not produce death in two hours and that it would be attended with intense and uncontrolable pain which the deceased would have manifested in such a manner as to waken her husband and others. But author-

ities were produced by the defense to show that chloroform could cause death in less time than above referred to in quantity of not more than one-half ounce.

The main contention was to show beyond a reasonabl doubt that the chloroform had been administered by inhalation. The theory of the defense that a struggle or outcry would have aroused other members of the family, was admitted by the State, but the attorneys for the State insisted that the chloroform had been administered by the husband while the woman was asleep and without awakening her or causing a struggle. It was contended that Mrs. Slifer was much exhausted from her ride and naturally fell into a deep sleep. It was admitted by the defense that chloroform had been administered in a considerable number of sleeping persons without awakening them, but it had always—as far as known—been accomplished under favorable circumstances, and by trained anesthetists and should be regarded as a laboratory experiment rather than a practical undertaking.

The best experimental results were those of Gurrier; of 9 cases, positive results were obtained in 4.

The experts for the State expressed a belief that chloroform could be successfully administered by a layman without wakening the sleeper, but were unable to cite a case coming under their observation or one recorded in medical literature. The defense insisted on cross examination that an opinion not based on some experimental, practical or recorded evidence was mere speculation. An opinion was expressed that as the intent was to kill the chloroform would be given in large quantity and in a concentrated form; that the person would be instantly overcome by the vapor and would make no struggle or outcry; that the careful experiments with a proper regard to life would not fairly represent the condition as they existed in this case. It was objected that the concentrated vapor would be irritating to the mucus membrane of the respiratory passages and for this reason more certainly arouse the sleeper.

It was admitted that persons who die from inhalation of chloroform not infrequently stop breathing in the beginning of the anesthesia and before the operation is commenced. This fact would no doubt be influential in establishing the contention that it would be possible to produce

death after a few inhalations of the concentrated vapor, but the difficulty would be in overcoming the irritating influence of the first inhalations upon a person not prepared, or not expecting the chloroform, and asleep at the time and pass at once quietly into a fatal narcosis. It was also admitted that a sleeper might be brought under chloroform if the vapor could be inhaled in a diluted form, by approaching and withdrawing the mask with watchful care and with a proper understanding of the tolerance of the respiratory passages to the vapor short of wakening.

It was admitted that Mr. Slifer was totally unacquainted with the methods of producing anesthesia and of the irritating effects of chloroform on the mucus membrane of the air passages, and of the excitement which so frequently attend the early stages of chloroform anesthesia, especially when administered by inexperienced persons.

The motive for suicide was as difficult to establish as the motive for murder. The defense had to offer only the fact that the deceased suffered from vitiligo—a skin disease which is often associated with depressed states of the nervous system, and is frequently found among the insane; this was shown by one of the medical experts for the state—who had served many years as the superintendent of a large public insane hospital. It was also shown in evidence, by the testimony of one or two physicians, who had been consulted by Mrs. Slifer, in relation to the disease, that she had manifested great anxiety, and mental distress when informed that the disease was incurable. This testimony was corroborated by Mrs. Slifer's friends and was supported by letters introduced in evidence written by her in which she hinted obscurely at self destruction if this disease should spread and become unsightly.

This evidence in relation to the skin affection and the tone of the letters, while suggestive of a strain of melancholy, was not definite enough to warrant a professional opinion based on any hypothetical question however skillfully formulated.

The case was conducted with great skill by the attorneys on both sides. The attorney for the defense reaped great advantage from a persistent cross examination of the state's medical experts for an explanation of the alleged

"spots" in the stomach, which the state said were found at the autopsy. The State was also unable to establish with any degree of certainty that chloroform could have been administered to the sleeping woman without wakening her or, at least from her position, and the appearance of the surroundings, presenting some evidence of a slight struggle. It was contended by Mr. Wheeler that if it was even possible as held by the state, the probability was so exceedingly slight that it could form no reasonable basis for a conviction.

The letters introduced by the defense, some of which were written a year or more before her death, showed a morbid fear of the deforming influence of the skin disease (vitilligo) and also indicated a melancholic strain, together with a note, found on her toilet table, in which she plainly announced her intention of self destruction, no doubt greatly influenced the minds of the jury. It is true that the note found after her death was declared by the state to be a forgery and handwriting experts were summoned to give evidence by both sides with the usual conflict of opinion.

The jury after a brief consideration of the evidence returned a verdict for the defendant, which appeared to meet with the approval of the community, which had very closely watched the course of the trial.

CAN CHLOROFORM BE USED BY INHALATION TO COMMIT MURDER, ROBBERY OR OTHER CRIME ON AN UNCONSCIOUS SLEEPING VICTIM?

(Opening a Symposium discussing the questions involved.)

BY CLARK BELL, ESQ., LL. D., OF NEW YORK,
President of the Medico-Legal Society.

The trial of the case of People v. Slifer, in Iowa, where a husband was indicted and tried on the charge of murder of his wife, by alleged inhalation of chloroform, while she was asleep, gives rise to the renewal of a question that in the past has greatly interested Medico-Legal jurists and experts.

It came up in the beginning, by reason of the prevailing opinion that chloroform could be used to facilitate robbery.

It first arose in the British Parliament shortly after the discovery of the use and properties of Chloroform as an anaesthetic in the argument in the British Commons, on the discussion of the "Prevention of Offenses Bill" in 1851, introduced by Lord Campbell, in which his Lordship stated in the debate, that he shared in the general belief that it might be so used with very weak persons without their knowledge by holding a handkerchief to their nostrils.

Dr. Snow, of London, asserted the impossibility of this, and Lord Campbell in his speech read a letter from a

Read before the Medico-Legal Society, May 16, 1906.

physician of high standing, in which the fear of it was stated to be purely imaginary, and the best medical opinion was; that no case of the actual criminal use of the employment of chloroform had ever occurred; his lordship supported the Bill, although he was obliged in the end to abandon the idea that chloroform had been or could be served to facilitate robbery without the knowledge of the person taking it.

The contrary view, however, still existed in the public mind, and the public press chronicled alleged cases of robbery by the use of chloroform.

Those familiar with chloroform knew better, but employees commenced to use it as a cover for embezzlement by arranging for a pretended resort to chloroform while the employer was sleeping.

Dr. Stephen Rogers, the President of the Medico-Legal Society in 1870, on January 8, 1871, read a paper before the Medico-Legal Society, entited, "Can Chloroform be Utilized to Facilitate Robbery," reported in Series 1, Medico-Legal Papers, page 298, in which he reviews the early cases and the literature of that date, reaching the conclusion that "Chloroform in fact can never be administered by inhalation, without the consent of the party taking it, unless he be forced to take it, which is the case with children who are not old enough to be reasoned with."

Dr. Rogers had an unusually large experimental knowledge of the use of chloroform, on which his conclusion was based. (ib 302). He says, "The real cause of the general disturbance and awakening of the person to whom chloroform is being given during sleep, is not altogether from the pungent impression of the vapor upon the respiratory membrane, but is to be found in the fact, that if it be in sufficient concentration to produce anaesthesia within any ordinary period it excites temporary closure of the glottis and arrest of respiration," and he cites, (Royal Medical and Chirrugical transactions, Vol. XLVII, page 329) in support of his opinion.

Dr. Rogers supported his contention that chloroform could not be used to facilitate robbery of the person and cited a large number of cases in his very valuable paper, which is and has been regarded as an authority in the Courts upon this subject; and it is perfectly safe to assert that up to the present time, more than thirty-six years, no authentic case can be cited where chloroform has been used to facilitate a robbery, with a sleeping person, without awakening the person.

After the publication of Dr. Rogers' paper, Dr. Cucuel, of Merilbillard, France, was required by a judge to give a reply to the following question:

"Are narcotics administered in liquid or gaseous form able to produce anaesthesia in those to whom they are given so profound that a criminal violation of their person may be committed without awakening them?"

Dr. Cucuel answers this question affirmatively, but declares his disbelief in the possibility of anaesthetizing a person without wakening the person up. It will be observed that chloroform was not named by the judge, but Dr. Cucuel assumed that the Judge referred to this drug, and that he meant natural sleep. His precise answer to the original question was, "It is impossible to anaesthetize a person with chloroform during natural sleep without waking him up."

Dr. Bolbeau, of Paris, determined to test the truth of this declaration and during 1872 and 1873 he made experiments on twenty-nine persons, of his patients, whom he was treating for injuries or disease. The chloroform was applied by holding a towel, rolled in a cone form near the nose.

Dr. Bolbeau reported that about one in three were anaesthetized without awakening. Every possible preliminary preparation was made for, and great dexterity employed in these experiments, from which he concluded that though difficult, it is possible to anaesthetize without waking.—Bulletin Tome III Societie de Medicine Legale de France, 1873–1874, page 113.

Those whom Dr. Bolbeau experimented upon, were his patients whom he was treating for injuries and disease.

There is a wide difference with such subjects, familiar with the physician and perhaps in sympathy with his work, and normal persons on whom criminal acts were to be attempted.

Dr. Rogers, in commenting upon the experiments of Dr. Bolbeau, says:

"I have heard the report of Dr. Bolbeau alluded to as disproving the principles, urged and advocated in my paper. It is manifest however, that it contains nothing to justify such a view. I have never disputed the possibility of anaesthetizing a sleeping person with chloroform without waking him. This is all Dr. Bolbeau has shown to be possible. My challenge to produce one well authenticated case of its successful use upon a sleeping person to aid in robbery, or even rape has not been accepted by the Doctor's report. It will stand as an unanswered invitation. If any proof were needed of the truth of my remark, those cases in which the victim sleeps so profoundly, as not to be roused by the suffocating vapor, would sleep on undisturbed by robbers, however numerous or noisy, and therefor not need chloroform."

So far from disturbing the doctrine I have advocated in this paper, Dr. Bolbeau has added greatly to its legal and scientific soundness. January 20, 1874, Stephen Rogers. (Vide Medico-Legal papers page 318.)

The Iowa case referred to reopens the discussion of the subject. Professor D. S. Fairchild has consented to present a resume of the trial of the case in which the People assumed the affirmative, on a theory of Mercier, in the case where the assumption was based on the use of chloroform, by the husband on the sleeping wife.

There was no evidence of any scuffle, no out cry, and where to secure a conviction it would seem necessary to assume that anaesthesia was successfully accomplished while sleeping and without awakening her.

Some years ago Dr. Rogers challenged the world to produce one well authenticated case of the inhalation of chloroform on a sleeping person without awaking it and of robbery or rape, the subject was again discussed and some one or more physicians claimed to have accomplished complete anaesthesia on sleeping subjects without awakening, but this seemed against the general concensus of opinion in the profession.

The case of Patrick who was actually convicted by a jury, as an accessory to the murder of Rice, by inhalation on the evidence of alleged accomplice Jones, who swore

that he placed a sponge in a towel converted into a cone over the face of Rice lying on a bed, and left him for thirty minutes and on his return found Rice lying in the same position, with the cone still on his face, dead, and that he then took off the towel and cone and burned it at the kitchen range, and that it burned up in a flame.

This case has been carefully examined by a select committee of the members of the Medico-Legal Society, who read all the evidence of all the witnesses, and who made experiments as to the alleged evidence of the alleged accomplice Jones. That committee reported unanimously that the statements of Jones that Rice's death was due to chloroform, were untrue, impossible, incredible and probably made to secure himself immunity from prosection. That Rice's death was due to natural causes and that there was no evidence that Rice was alone when the cone was placed on the face, if it was so placed.

There is not an unprejudiced medical mind in the world who would believe that if a towel, made into a cone, containing a sponge saturated with chloroform was placed over the face of a living man, who was asleep, that death would ensue if he was left alone for thirty minutes.

The first struggle that the man made would dislodge and throw off the towel.

It is not likely that this statement made by Jones, of his method of killing Rice by inhalation of chloroform, has one single element of truth in it, as the physician in charge, who came in almost immediately after the half hour detected no odor of chloroform, and the statement was a pure fabrication. That Rice died from natural causes is unquestionable and this was the unanimous opinion of the committee of the Medico-Legal Society.

Dr. Fairchild informs me that the Iowa case was tried with signal ability on both sides, and it has seemed to me wise to bring up the subject now again, for a more careful study, after the light of over a third of a century has been thrown upon the subject.

We have had all these years for the experience of our most eminent men in the use of chloroform. The cases of

alleged crime by chloroform that have arisen are proper sources of research and study. The actors who were prominent in the study of the question originally have passed away, with but few exceptions.

I shall send copies of the able paper of Prof. Fairchild and of this introduction of the subject, to the Counsel engaged in that case, and so far as I can, to the experts who gave testimony, and invite contributions to the discussion of the subject before the Medico-Legal Society, of New York, and perhaps before the Medico-Legal Societies, of Belgium, France, London, Italy and other countries, and before the Medico-Legal Journals of our country and produce the whole as a symposium, with the hope of reaching some settled ground and definite scientific solution of the subject.

I shall reserve for a later paper the further discussion of Prof. Fairchild's paper, the contributions received, the case in hand and of the subject, for the final conclusion of the topic, and shall endeavor to obtain replies from eminent Medico-Legal experts, for the meeting of May 16, 1906, if its consideration is found to be of public interest, so that it may appear, or its introduction, in the June Number of the Medico-Legal Journal, which will commence the 24th volume of that publication.

NOTE.—This paper, and that of Dr. D. S. Fairchild, of Iowa, will be sent to counsel and experts in the Iowa case of People v. Slifer, for the object of arousing an interest in the question of inviting discussion and a careful consideration of the subject; and we should be glad to receive the replies of all students of Forensic Medicine regarding the same.

CHLOROFORM AS A FACTOR IN CRIME.

The following letter from Dr. N. C. Morse has reached the President in response to his request, with the autopsy in the case of Mrs. Slifer:

Emergency Hospital,
Eldora, Ia., May 26th, 1906.

Clark Bell, Esq.,
President New York Medico-Legal Society,
New York City, N. Y.

My Dear Sir:—Your letter received in my absence I send you herewith a copy of the report I made, after holding the autopsy upon Mrs. Slifer. The State or prosecution were not interested in bringing out the details of the autopsy, and the defense were not fully aware of what the testimony would be, hence I was not questioned closely. There is no question in my mind but that the chloroform was taken internally, and the "spots" were the result of local irritation.

Very truly yours,
N. C. MORSE, M. D.

COPY OF REPORT.

Eldora, Ia., Dec. 30th, 1905.

F. W. Reisinger, Esq.,
County Attorney in and for Grundy County, State of Iowa.

Dear Sir:—I herewith submit a detailed report of the autopsy held by me, pursuant to your orders, upon the body of Mrs. Katie Slifer, deceased wife of William Slifer. Said examination or autopsy being made by me at the residence of Dr. Frank P. Butler, at Whitten, Hardin County, Iowa, between the hours of 2 to 3:30 p. m., Dec. 29th, 1903, in the presence of Dr. and Mrs. F. P. Butler, Dr. R. B. Underwood, Dr. H. C. Willett, Dr. F. O'Conner (Coroner), Miss G. Boroff (Sec.), and F. W. Alexander (Undertaker), and Prof. Kinney, Chemist of Des Moines, Iowa.

"Body that of a woman 23 to 25 years of age, exceedingly well preserved, short or stout of build or statue, of rugged healthy appearance. Identified by Dr. F. P. Butler and others, as being the remains of Mrs. Katie Slifer, deceased wife of William Slifer, a resident of Mellrose Township, Grundy County, Iowa. F. W. Alexander, undertaker, further certifies that the said Mrs. Katie Slifer's death had occurred on the 19th day of December, 1903 or about 9 days prior to the date of this examination."

No external marks of violence, wounds, cuts, bruises or scratches, could be founl upon any portion of the body except a trocar or punctured wound 4 inches above the umbilicus and to the left of the median line, said puncture wound being identified by Undertaker F. W. Alexander as having been made by him in embalming the body (he having used 2 quarts of Rex-Embalming fluid by injecting through a trocar, into the thoracic and abdominal cavities). No marks or scratches upon either hand and finger nails were long and intact. Pupils of both eyes somewhat dilated—right slightly more than the left. Mouth and pharynx present no evidence of local irritation.

SKIN—An old scar with a slightly diseased condition of the scalp about 2 inches above the left ear, was quite noticable. Well defined patches of vitiligo were found on various portions of the body, arms, thighs, a few on breast and base of neck, back of hands, etc. These patches varied in size, and were irregular in form, the center being usually of a white appearance with a border of a yellowish or dark pigment. These "patches" were not scaly and were neither elevated or depressed below the surface of the skin, they varied in size, from a silver ten cent piece to as large as a silver dollar.

THORACIC CAVITY—Upper surfaces of both lungs were markedly congested—capillaries engorged or disteneded with blood. Heart normal in size and position. Pericardium and left ventricle had been punctured by the trocar of the undertaker. All heart valves were normal, a firm dark blood clot filled both right and left ventricles.

ABDOMINAL CAVITY—Upper portion of small intestines were bright red or congested in appearance, lower portion of bowels, colon, etc., normal in appearance.

LIVER—Somewhat enlarged or engorged with blood, otherwise normal.

SPLEEN and PANCREAS—Engorged with blood and very dark in color.

STOMACH—Small or greatly contracted. At the most dependent portion or base of greater curvature, was a well defined red or redish brown spot, plainly visible to the naked eye, 3 inches in diameter: A, this spot or congested or ecchimosed area was sub-peritoneal. About an inch from the pyloric end another spot was visible, in size about as large as a silver quarter; B, otherwise the stomach was normal in appearance. The duodenum was highly reddened or congested throughout its entire length.

Ovaries—Nomal in size and healthy.

Uterus—Virgin in size and free from any indications of pregnancy.

Bladder—Contains very little urine.

Kidneys—Normal in appearance and size.

Brain—Convolutions markedly congested, vessels, namely, veins, lark blue and engorged. No abnormal leisions found.

GENERAL REMARKS.

The stomach, after carefully ligating both ends, was removed from the body and placed unopened, in a glass jar, sealed and handed to Prof. Kinney. The heart, portion of the lung, kidney, portion of liver, etc., were placed in separate jars, sealed and delived to Prof. Kinney.

In my judgment death occurred suddenly from cardiac paralysis or asphyxia.

N. C. MORSE, M. D.

LEGAL PREVENTION OF THE USE OF POISON IN THE EMBALMING FLUID BY UNDERTAKERS OR OTHERS.

BY CLARK BELL, ESQ., LL. D.,

President of the Medico-Legal Society of New York; Editor of the Medico-Legal Journal; Delegate from the Government of the United States of America to the International Medical Congress of Paris, A. D. 1900; Delegate from the Government of the United States to the International Medical Congress of 1906, at Lisbon, Portugal.

Contributed to the International Congress on Criminal Anthropology of Turin, April 29th, 1906.

During the last generation, in America, the want of the knowledge of the elementary principles of chemistry, among the undertakers who have then, had the almost exclusive charge of the burial of the dead, a practice called embalming of the dead body, has come into almost universal use among nearly all of the better class of the American people.

The undertaker has assumed, that the use of arsenic in the embalming fluid was an absolute necessity. He has thus, without criminal intent, by his use of this fatal poison, stood between the poisoner and his detection and punishment, as a sure shield. The innocent undertaker has been the savior of the poisoner and prevented his punishment.

In my last Inaugural Address, as President of the Medico-Legal Society, I brought up this question for public action, discussion and thought in the following language:

Read before the Medico-Legal Society of New York, May Meeting, 1906.

Read before the New Jersey State Funeral Directors' Association, June 2, 1906, at Philadelphia, Pa.

HON. WILLIAM H. FRANCIS,
Newark, New Jersey,
Ex-Justices United States Territorial Court,
Member of Council American International Congress on Tuberculosis.

PROF. DR. CAESAR LOMBROSO,
Turin, Italy,
Honorary Member Medico-Legal Society.

PROMINENT MEMBERS OF THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

LEGAL PREVENTION OF THE USE OF POISON IN THE EMBALMING FLUID BY UNDERTAKERS OR OTHERS.

Embalming of dead bodies, as practiced by undertakers for the past twenty-five or thirty years, has prevented the detection of crime committed by those who have killed their victims by poison.

Every effort to remedy this state of affairs has been successfully resisted by the undertakers, by organized and concerted effort, on the theory, that such laws would interfere with, and injure their business.

Every poisoner could, by having the cadaver filled with the ordinary embalming fluid containing arsenic, (usually done before a post mortem could be held,) defy detection, and be certain to put his crime beyond the reach of punishment by law.

There is no means yet known to science, by which arsenic administered by mouth or rectum, which produced death, could be detected or discriminated, from the arsenic with which the abdominal cavity had been filled contained in the embalming fluid of the undertaker—which had been absorbed by the dead body by imbibition.

Years ago I submitted this question to the chemists of the world, and the answer was unanimous, that when the embalming fluid containing poison had been injected into the body after death, the crime of the poisoner could not be traced to or fixed upon him, by any means known to chemistry, or its related aids, the microscope, bacteriological research or otherwise.

We hoped that by contrasting the effects of the breaking down the cells and tissues, where death was known to have been caused by aresnic, administered in life; with the pathological condition of the same tissue subjected to the poison of the embalmer; we might by research distinguish one, from the other, in the ruin the poison wrought in the living tissue; so as to discriminate between it and the tissue where the arsenic had been taken up by absorption from the abdominal cavity filled with the arsenical solution of the embalmers by imbibition.

We have not yet come to the hour when the clear eye of science can discriminate, between the arsenic administered in life which has caused death, from that which the

poisoner had hired the undertaker to pour into the abdominal cavity.

A well authenticated case of a clergyman who had married three wealthy women, one after another, whom he had poisoned with aresnic, and in each case hired an undertaker to fill the abdominal cavity within twenty-four to thirty-six hours after death, came to me professionally after the death of the third wife. The investigation left no moral doubt of the death of the first two wives by poison, or of the last. The circumstances all pointed unerringly to crime, but by commingling the poisons taken before death with the embalmer's fluid, so soon after the step taken to mix the poisons, the criminal was left beyond the reach of the arm of the law to convict. Science has now commenced at the other side of the problem.

It is now demonstrated that a perfectly sure, safe and reliable embalming fluid can be made without the dangerous use of arsenic or any poison or ingredient dangerous to human life.

It is remarkable that this knowledge did not reach us before. We have no reason to believe that the Egyptians, who were the greatest of the embalmers, relied on poisons in their best work. It is doubtful if they did use poisons, but relied rather on the preservative than the destructive and the destroying agents, in their art.

At all events science can, and does now affirm, that the safest, the most effective and successful embalming fluid need contain no substance or element that would be destructive to human life.

This fact brought to the attention of the Legislature, the embalmer or undertaker, and to the general knowledge of the world; it is submitted, that the hour has come, when in the name of science and by her mild, but clear and unerring light, we may ask that a law be enacted, which

1. Forbids any undertaker in embalming (co-called) a dead human body to employ any fluid or substance that is or would be fatal to a living human being.

2. Making it a crime to inject into a dead body, by an undertaker or any other person, any poison or other substance which would imperil human life, or which could possibly interfere with the discovery of poison in the

cadaver if the death was caused by poison by chemical tests.

I have asked Prof. H. S. Eckels, who has had the largest opportunities of any known authority, and the full confidence of the undertakers as a body, to write his views upon this subject for this body, to be presented at the February Meeting, or as soon after it as possible, the object of which will be to carefully examine and discuss this subject in all its aspects.

1. To bring it before the undertakers and those whose business is, and has been, to embalm the bodies of our dead as to the necessities of the use of non-use of poisons in the embalming fluid on its practical side.

2. To influence legislation forbidding the improper use of poisons on the bodies of the dead, and

3. To perfect our criminal system and procedure so that it may not be used by the poisoner to prevent the detection of crime.

I recommend that, after a full discussion, at which the embalmers, the undertakers, the judges and officials in our criminal courts be asked to take part, and the skilled members of all professions who have knowledge on the subject, the Legislature be asked to enact such measures as shall be in the interest of the common welfare of mankind.

The Medico-Legal Society after the discussion ordered that the subject be further considered and discussed and to elicit full discussion. I sent out to leading chemists, embalmers, funeral directors and others a circular letter of which the following is a copy:

Medico-Legal Society, Office of the President,
No. 38 Broadway.
New York, May 21, 1906.

Dear Colleague:

I enclose you,

1. Extract from the Inaugural Address of the President of this Society, Mr. Clark Bell, Esq., introducing the subject of needed reforms in embalming the bodies of the dead, so as not to interfere with the detection of crime where death has been caused by poison.

2. Paper by Prof. H. S. Eckels, read before the Medico-Legal Society, February 17, 1906, proposing the elimina-

tion of poisons fatal to human life, with concurrence of the State Embalming Boards, State organizations of undertakers or funeral directors; by the use of an embalming fluid, which on examination and trial will meet every sanitary requirement, which caution and prudence would suggest.

3. Selections from the remarks made in the discussion of Prof. Eckels' paper, and of the subject.

These are sent you to ask you to contribute to the discussion; to co-operate in the effort; to call into the movement leading embalmers and undertakers in the various States; so that their views may go before the committee which has been ordered to be selected by the Medico-Legal Society; to examine and report upon the whole subject, in the hope of reaching a safe and speedy solution of the questions; which will be thought most likely to secure the aid and co-operation of the State undertakers and embalmers of the Nation; and to so interest them as to secure their powerful aid and co-operation along lines of least resistance.

Please, therefore, aid in bringing into the membership of the Medico-Legal Society a few members from each State, who will make contributions on the subject, which it is thought will be most useful and valuable to go before the committee when formed; to be used in giving the reform publicity in the organizations of Funeral Directors, Embalmers and others, so as to obtain their aid and co-operation, thus accomplishing a great public good; and removing from the important work of embalming the bodies of the dead, all unfriendly criticism; creating instead a popular public opinion favoring its propriety and utility, with all the objections, caused by the use of poisons, dangerous and fatal to human life removed.

Please give this subject immediate and earnest attention, so that the committee may report speedily final action.

Kindly send me a list of names and addresses of the most active and intelligent men in your profession to whom you would advise me to send this letter and the literature.

I remain with high regard,

Yours ever faithfully,

CLARK BELL,

President Medico-Legal Society.

Professor H. S. Eckels, of the Institute of Embalming of the City of Philadelphia, read before the Medico-Legal Society, at its February Meeting, of 1906, a paper, which he entitled "What Reforms Should be Adopted for Embalming the Dead Body, so as not to Interfere with the Detection of Crime?" From which I take great pleasure in making abstracts, to which I wish to call the attention of the Scientists of the Kingdom of Italy not only, but to the Students of Criminal Anthropology of the world, and especially to the chemists, and to the involved questions which his statements leave for our consideration.

He asserts that the use of poisons in the embalming fluids was no longer necessary for the proper embalming and preservation of the dead body.

In the discussion which followed, his position in the respect was sustained by three ex-Presidents of State Association of Undertakers and Embalmers of the State of New York, and by two members of the Board of Embalmers of that State, who were present and took part in that discussion. Two of the prominent undertakers and embalmers of the State of Pennsylvania, and a leading and reputable embalmer and undertaker from the State of New Jersey sustained the views and positions of Prof. H .S. Eckels, from which I quote. Prof. Eckels says, in part:

While it is true that embalming may interfere, in some slight degree, with the work of the pathologist, the bacteriologist, and also the toxicologist, even when fluids contain one of the poisons commonly used in crime, I would argue that the benefits derived by the use of embalming fluids composed of chemicals belonging to the inorganic group is more likely to be beneficial than detrimental to post-mortem examination, as it prevents decomposition and the many abnormal conditions produced by degeneration of the elements of the body, causing the formation of gases and also ptomaines; the presence of obnoxious gases being a source of great annoyance and danger to the operator, and the presence of ptomaines an interference to the chemist in his analysis for alkaloidal poisons. The finding of ptomaines in the report of the analytical chemist always casts a doubt upon the court as to whether death was due to this poison, which is an ingredient in food-stuffs by fer-

mentation, as well as the result of decomposition of the dead body.

In the larger cities, as many as a hundred coroner's cases are reported in single days, and therefore the coroner's physicians cannot view all of these cases immediately, frequently twenty-four to forty-eight hours elapsing during which time decomposition is very likely to set in; and in addition to this interference with the post-portem examination, such delay occasions loss of time and labor to the embalmer, as well as anxiety to those who wish to serve their patrons in the best way, particularly those who know that embalming should be done for sanitary considerations, and as well, to preserve the good appearance and features of the corpse.

During 1905, Thomas Dugan, Coroner of Philadelphia, took some decided steps in this matter to comply with the very frequent importunities made him, and he suggested the use of embalming fluids which did not contain any of the common poisons used in crime, such as arsenic, corrosive sublimate, zinc salts and carbolic acid preparations; in consequence of which a number of embalming fluid manufacturers have changed the fomulae of their fluids, leaving out those ingredients. Hence, there are now a number of fluids on the market which are comparatively free from these poisons.

Yet, this "comparatively free" is not sufficient, and we must go one step farther, as will be shown by some recent cases, illustrating how the cause of justice may be defeated by carelessness.

In the recent Haines case, in New Jersey, the embalming fluid used to embalm the child contained no arsenic as was shown by the analysis of the chemist in that case. The undertaker, however, testified that he had used the same syringe that he had formerly used for the injection of an arsenical fluid, hence the arsenic which was found in the corpse by the chemist's analysis, was evidently thought by the jury to have reached there through the use of this syringe, thus resulting in the defat of the prosecution and a waste of the State's fund of about $20,000.

In another, the Williams' Case, it was shown that while there was no aresnic intentionally placed in the emblaming fluid, yet arsenic existed there as an impurity in sufficient

degree and there was also the possibility of arsenic entering the substance of the body that was afterwards examined; and in this case the clever attorney for the defense cast doubt upon the evidence of the chemist, which resulted in the defeat of the prosecution, though a more recent trial of some of the parties implicated in this case proved them to be guilty of a similar crime.

The actual discovery of poison by means of chemical analysis is usually regarded as the most satisfactory and positive evidence of poisoning and it is a prevalent notion that the case cannot be made out without the production of the poison as the "corpus delicti." While this may be an error, the law requiring satisfactory proof of death by poisoning, the question always is, can satisfactory proof be offered without the chemical detection of poison? Those of us who have had experience in court on such trials realize that we must go still farther with this question and avoid the possibility of such poison entering the substance to be examined, either at the hands of meddlers or by persons interviewed in the case, or by the slightest trace of such poison either as an ingredient in the formulae of embalming fluids or impurities of the chemicals used therein.

Therefore, all of the various ingredients entering into the formulae of embalming fluids should be subjected individually, to rigid chemical tests to exclude poisons which may be present as impurities in the raw materials; and when the product is finished, it should again be examined for the purpose of determining if the combination of these ingredients has produced such constituent, as was found in a still more recent case, that of the millionaire, Mrs. Todd, of New York City, who met death but a few months ago in Philadelphia under suspicious circumstances. By chemical analysis of the viscera, both arsenic and chloroform were found to be present in the body, and both of these poisons were suspected to have been administered, but examination of the embalming fluid, The "Bisga" fluid which is claimed to have no arsenic, was nevertheless found upon analysis by Dr. George H. Meeker, Professor of Chemistry of the Medico-Chirurgical College, of Philadelphia, to contain both arsenic and chloroform. The quantity of arsenic present was scarcely sufficient to warrant the belief that this was a formulae ingredient, nevertheless, arsenic was in

such abundance as an impurity of the other chemicals, that it was thought by the prosecution to weaken sufficiently the valuable evidence of the chemist, so that they precluded his testimony altogether.

Regarding the chloroform found in this fluid by the analysis, it is evident to all who know anything about the manufacture of embalming fluid that chloroform was not in this one by intention of the manufacturer, but was an accident in combination of the chemicals improperly compounded, and the situation to be considered by the prosecution was that the court would criticise the use of such fluid and the jury would have doubts under those circumstances that either of these poisons had been administered previous to death, no matter what quantities were discovered by the chemist.

Again, this fluid which was examined by the chemist was not from the same bottle that was used to embalm the body with, although it was the same brand. Indeed, it is impossible for the chemist to secure for examination fluid of the same lot number as was used by the embalmer. Embalming fluid in the majority of cases is shipped from the manufacturer to the supply house, after keeping it on hand, possibly one, or probably six months, it is then shipped to the undertaker, who in turn stores it until used. Hence it may be a year between the time the fluid was made which was used on the body, and the fluid which was secured by the chemist for analysis, consequently, if such impurities existed in the fluid which the chemist examined, it would be assumed by the court that even greater impurities may have existed in that lot of fluid which was used to embalm the body with.

In my experience as instructor on the proper use of these fluids, I have attended the conventions of the different State Embalmers' Associations and have met a large proportion of the undertakers of the United States; and I am prepared to say, that I believe that the thinking men in the undertaking profession, will gladly adopt reform measures, to the end that they may serve the best interests of the citizens at large, and have the proper care in their embalming of the dead to cause the least possible intereference in the detection of crime, and will be glad to use only the purest and best fluids; and those other em-

balmers who are careless or remain indifferent, should be stimulated to higher motives by suggestions offered them by the two learned professions of law and medicine.

My conclusions are these:

First. That Embalming Fluids are not only permissible but advisable for use in all cases.

Second. Where homicide is suspected after the embalming is done with fluids which have not been prepared with with the view of meeting this contingency, then the findings of the chemist are rendered ambiguous or useless.

Third. No poisons should be used in the Embalming Fluid—by intent or by accident.

Fourth. To exclude poisons, accidentally present in the Fluid, careful tests should be made of the raw materials and finished products."

The result of the discussion of Prof. Eckels paper, and the attitude of leading and representative men in support of the views of Prof. Eckels resulted in a direction to the Medico-Legal Society to organize a commission under the chairmanship of Prof. Eckels, which should embrace among its members representative men from the embalmers and undertakers, who would, after full discussion, bring in a report for the consideration of the New York Medico-Legal Society, which should reflect the view of its leading scientists and chemists, that might reach a solution that would entirely remedy the evil as it now exists in America. If all the embalmers and undertakers agree upon the elimination of arsenic and those poisons that are improperly administered are fatal to human life and to use only such constituents as would not interfere with the detection of crime, when the death was due to well known poisons, there is good reason to believe that a change in the embalming fluids would at once be made, to which all embalmers would consent and this to pass the careful scrutiny of the chemists of the Medico-Legal Society and of the ablest chemists of both sides the Atlantic.

The formula for an embalming fluid was not made a part of Prof. Eckels' paper, but it was handed to me and I enclose it for the criticisms of the chemists of this body.

PRIMERO EMBALMING FLUID.

Primero Embalming Fluid is composed of chemically pure

	Parts.
Formochloral, Derivative of Formaldehyde Calcii Chloride	30
Hydrogen Dioxide, C. P.	20
Potass, Bisulphite, C. P., Saturated Solution	
Thymol, C. P.	2
Glycerine, C. P.	20
Oil Methyl Salicylate, C. P.	02
Alcohol, qs. ft.	100

Scientifically compounded, so that it remains in perfect solution and is always uniform in quality, strength and virtue.

This formula has been sent to a few of the chemists of the Medico-Legal Society for examination and for their views: Whether the ingredients as named in the formula would be fatal or even dangerous to human life?

My Dear Mr. Bell:

Yours of the 13th received, and below find a synopsis of the physiological action of the chemicals in embalming fluid prepared by Prof. H. S. Eckels.

Formaldehyde—According to Wood, it is an intensely local irritant and the violet irritation produced by it is so immediate that accidental or puposive poison by it is rare. According to Mosso and Paoletti 50 cubic centigrammes per kilogramme given by the stomach causes in dog violent convulsions, general rigidity, salivation, and in a short time death preceded by stupor and unconsciousness.

Hydrogen Dioxide—According to Wood's experiments, put into the stomach it must destroy itself by acting upon the organic contents and secretions. Injected into pleural or peritoneal cavity causes death by shock.

Potass Bisulphite—Sulphites—According to Pfeiffer sulphies upon vertebrata are poisonous; when in very large doses they paralyze the heart, blood vessels and the respiratory apparatus.

Methyl Salicylate—Is similar to oil of Gaultheria and has same action. 90 per cent. of oil of Gaultheria is Methyl Salicylate. One ounce of oil of Gualtheria produced violent gastro-intestinal irritation, followed by coma and death in 15 hours. (Pinkham.)

Thymol—Is not free from poisonous properties. Has been used internally by Balz in doses of 30 grs. a day. In a few instances nausea and vomiting; violent delirium occured several times, also marked collapse.

Glycerine—Inert.

Alcohol—The effects we all see, and for practical purposes inert.

Most all these agents are used externally and are powerful disinfectants. The effect on human life would entirely depend upon the quantity used, whether a toxic dose or not. I have examined carefully into the question, of these compounds preventing the detection, of the many poisons fatal to human life, by chemical analysis and give the opinion that they would not interfere with the recovery of irritant poisons, such as arsenic, strychnine, etc.

With the kindest regards, I remain,

Very truly,

G. B. MILLER.

Phila., Feb. 15, 1906.

MEDICAL JURISPRUDENCE OF INSANITY.

A STUDY ON THE TREATMENT OF SOCIAL OFFENDERS FROM A SCIENTIFIC POINT OF VIEW.

BY J. MOUNT BLEYER, M. D., F. R. A., M. S., LL. D.,
OF NEW YORK CITY,

Second Vice President of the Medico-Legal Society of New York City.

[*Continued from page 699 March Journal, 1906.*]

In the school room the teacher's labors are not burdensome, since the children have already received in the nursery a systematic, carefully considered training. They obey readily, and meet their teacher with confidence and respect. He interest them in every lesson; and never overstrains their mental powers. His checks and restraints are principally emotional. If playfulness intrudes and the serious work of the class is impeded by some little urchins fun, the master checks it without scolding. By the use of Mr. E. T. Craig's register,(11) he shows that child his opinion of his conduct, and withdraws all signs of personal favor and ap-

(11)Mr. E. T. Craig, formerly director Byron's Agricultural School, at Earling Grove, England, invented an instrument by which to register good and bad conduct; and in the use of it he was able to set aside prizes, place taking and evry kind of reward and punishment. This instrument was described by the inventor to a large and individual audience at a meeting held in Edinburgh and reported in the Scotsman, where I found this notice. "Mr. Craig showed the method of working the instrument; exhibited diagrams of the method of registering the conduct and related interesting cases illustrative of the moral effects of the use of this characterograph." In the Co-operative News for April 28th, 1883, that subject is thus referred to: "The moral results from this instrument must be very great, for it appears to supersede all rewards and punishments. It also renders it unnecessary for the master to express anger or irritation of feeling."

proval, till the culprit proves by earnest endeavor that he is correcting the fault. The education given is not mechanical and not indispensable allied with books. It aims first at imparting a knowledge of the most useful facts and principles of life; second, at perfecting character; third, at giving more or less of a esthetic culture. The study of human nature and of right conduct in social life is a part of the daily course; and the children become perfectly true critics of character to the extent of their childish capacity. They know which feelings in themselves and others are civilized and which are barbarous, and therefore to be restrained and checked. When they have done wrong the teacher assumes that it arises from ignorance of what is right, or from weakness of self-control; and every encouragement is bestowed to strenghten the powers of self-control.

At the age of sixteen or seventeen the intellect and moral powers of the average human being are sufficiently developed to control the propensities; therefore adults resign authority, and to the young people themselves, not singly, but in their corporate capacity, is entrusted the regulation of conduct, and discipline of the turbulent within their circle. They associate in proper form for this purpose. They elect conduct committees, from amongt their members, invariably choosing those of high moral type. These committees deal with each case of disobedience to rules, insubordination, infringement of the rights of others, and so on, as it arises; and thus youthful public opinion is enlisted and exercised in defence of the virtuous, peace-loving members of society, and in protection of the whole community. This method seems the happiest results—for antagonism between old and young entirely disappears; and at one and twenty the youthful generation has already acquired useful knowledge of important and practical principles in the science of sociology.

When this system of training is universal, and the children of every social class have partaken of its benefits, then, but not till then, will criminals stand out convicted of moral insanity. A perfect nurture has failed to make them worthy social units; therefore nature must have rendered them incapable of social life. Their organism is defective. Either the intellectual and moral powers are intrinsically inferior, or the lower propensities are out of all

proportions strong, and the ill-balanced human being is unfitted for civilization, i. e., an associated life the essential condition of which is that intellectual and moral forces should everywhere dominate and restrain the animal or lower propensities.

How, then, is society to treat this morally deformed class? Scientific restraints it must impose for its own protection. Will these be the scourge, or forty or fifty days imprisonment; the dungeon, the treadmill, the hangman's halter? Clearly they will not. The treatment must be of an entirely different nature; and the enlightened action of an advanced society must become analogous to the ignorant action of an earnest church in the Middle Ages, with precisely opposite or contrary results. Let me here explain by quoting from Mr. Francis Galton: "The long period of the Dark Ages under which Europe has lain is due, I believe in a very considerable degree, to the celibacy enjoined by religious orders on their votaries. Whenever a man or woman was possessed of a gentle nature that fitted him or her to deeds of charity, to meditation, to literature, or to art, the social condition of the time was such that they had no refuge elsewhere than in the bosom of the church. But the church chose to preach and exact celibacy. The consequence was that these gentle natures had no continuance and thus by a policy so singular unwise and suicidal that I am hardly able to speak of it without impatience, the church brutalized the creed of our forefathers. She acted precisely as if she had aimed at selecting the rudest portion of the community to be alone the parents of future generations. She practiced the arts which breeders would use who aimed at creating ferocious currish and stupid natures. No wonder that club law prevailed for centuries over Europe; the wonder rather is that enough good remained in the veins of Europeans to enable their race to reach its present very moderate level of natural morality."(12) The policy of the Church in the Middle Ages will be pursued by society in the Twentieth Century; but in the reversed mode. It will gather fair criminals into its bosom, and secure for them a safe and happy refuge; exacting, however, celibacy. The racial blood shall not be poisoned by moral disease. The

(12)"Hereditary Genius," F. Galton, p. 356.

guardians of social life in the present dare not be careless of the happiness of coming generations, therefore the criminal is forcibly restrained from perpetuating his vicious breed. Now mark the result. Not the gentle natures (as in the case of the Church), but the criminal natures will have no continuance. The type will disappear; whilst evenly balanced natures, the gentle, the noble, the intellectual, will become parents of future generations; and the purified blood and unmixed good in the viens will enable the roll to rise far ahead of its present moderate level of natural morality.

To promote the contentment of congenital criminals within their prison-home, where they are detained for life, an attenuative to celibacy might be offered, viz., a surgical operation(13) (Castration), rendering the male sex incapable of reproduction. Were this course voluntarily chosen, sterile males might then be permitted to society of females without dange to posterity, and since fuller social life tends to make all human beings happier, these convicts would become more manageable and coercive restraints would cease to be indispensible. Although, as I have already stated, cruelty is no longer rampant in our British and American prisons, the "desperate gang," as they are called, are commonly, though not universally, treated with stringent, hard repressive, and often subjected to bullying. A member of the well known Howard Association who has devoted much time to prison visitation, says, in reference to this point: "A man of brutal instincts may do well even under bullying." This proposition I feel convinced is false and I think we ought to condemn the mode of treatment that called it forth; whilst I heartily concur with the further statement by this prison visitor: "But a man of nervous temperament, who has been in a respectable position socially, cannot put up quietly with the coarse despotism of an average warder, and so he finally becomes mentally deranged—a mere lunatic, ready to fly at those who control him. Penal servitude is not meant to manufacture violence,

(13)The surgical treatment indicated is not the operation ordinarily performed upon some domestic animals; this, applied to human beings, would be morally and physically injurious.—British Medical Journal for May 2nd, 1874, p. 586.

as I am afraid it sometimes does more than we think.(14)

Rough handling and brutal words are wholly inadmissible whether directed to first offenders or to the desperate gang. The principle of abstract justice condemns them; and they are simply suicidal in view of society's proper aim—the reformation of criminals. The folly of this false policy has in all civilized countries been recognized by a few enlightened prison governors and success has invariably attended their attempts to institute a discipline of decreased restraints, and increased self-dependence. I am going to give an illustrative instance where the right man in his correct position does things with results. Mr. Obermair when he undertook the Governorship of the Munich State Prison in Europe, "he found from 600 to 700 prisoners in the jail in the worst state of insubordination, and whose excesses he was told defied the hardest or most stringent discipline. The prisoners were chained together. The guard consisted of about one hundred soldiers who did duty not only at the gates and round the walls, but also in the passages, and even in the workshops and dormitories; and strangest of all protections against the possibility of an outbreak, 20 to 30 large savage dogs of the blood-hound breed were let loose at night in the passages and courts to keep their watch and ward . . . . . the place was a perfect Pandemonium, comprising within the limits of a few acres the worst prisons, the most slavish vices, and the most heartless tyranny." Mr. Obermair gradually relaxed this harsh system. The dogs and nearly all the guards were dispensed with; and the prisoners were treated with such consideration as to gain their confidence. Some years after the new system was put in vogue the entire picture was changed. The prison gates were "wide open, without any sentinel at the door, and a guard of only twenty men idling away their time in a guard room off the entrance hall. . . . . None of the doors were provided with bolts and bars; the only security was an ordinary lock, and as in most rooms the key was not turned, there was no obstacle to the men walking into the passage. . . . . Over each workshop some of the prisoners with the best characters were appointed overseers, and Mr. Obermair said that if a

(14)"Official Optimism." Francis Peck.—Contemporary Review, July, 1884.

prisoner transgressed a regulation, his companions generally told him, "es ist verboten" (it is forbidden), and it rarely happened that he did not yield to the opinion of his fellow-prisoners. . . . . Within the prison walls every description of work is carried on; . . . . each prisoner by occupation and industry maintains himself; the surplus of his earnings being given him on his emancipation, avoids his being parted with in a state of destitution."(15)

Since poverty and destitution, physical disease and inherited alcoholism, ignorance and the degraded nature that tends to crush the humanities and develope the brutal propensities of man, are all causes of crime, it follws that the scientific treatment of crime must embrace the thorough eradication of these various causes; and the only available, comprehensive and effective (although slow) methods to adopt have been pointed out here. Within reformatories and prisons, the scientific training essential in the forming and reforming of character (and which, at present, is the homes and schools of our lower classes is nowhere to be found) may be partially supplied; and the class of criminals who have no defective mental and moral structure will recover self-respect, imbibe virtuous desires and attain to habits of industry and self-reliance. To these liberty must ultimately be accorded; but the state will not neglect its duty of affording aid in establishing a life of self-support, and effective guardainship against the many dangers that beset a criminal at the critical period of liberation.

And now a word regarding the expense of prison discipline, prison training, prison industries and the economic theory—that the cost of the criminal should be reimbursed to the state by the criminal himself—a principle which results in the adoption of the iniquitous practice of leasing convicts. This system is pursued to an enormous extent in the Southern States of America and elsewhere, and I entreat my reader to refer to the Century Magazine for February, 1884, and read there an article upon the subject, which clearly and forcibly sets forth the inhuman cruelties, the grave injustice, the indefensible errors, that naturally flow from this altogether mistaken method of dealing with criminal life. The theory of self-support in prisons is un-

(15)This account is extracted from Mr. Herbert Spencer's "Essay on Prison Ethics."

scientific. Economy is of course desirable, but the prison holds an important place in the investments of public money for the improvement of public morals and the securing of public safety; and to scientific consideration is both grossly immoral, and foolishly impolitic.

From five of the largest prisons in the United States, with an aggregate population of 5,300 convicts, there escaped during twelve months only one prisoner. In all the State prisons of the country, not kept according to the lease system, with a population of 18,400 there escaped in one year only 63. Whilst in Tennessee alone under the lease system no fewer than 49 convicts out of a population of 630 escaped in one year. In Texas, by the official report for 1881 and 1882, there occurred under the lease system, 397 escapes, and but 74 recaptured. In the previous years of 1879 and 1880, 366 convicts had escaped and of these 123 were recaptured. (These were some of the reports I wanted to show figures with that I happened to look up in order to show figures in connection with my subject). "Now, in the interest of the Texas taxpayer," says Mr. Cable, "from whom thelease system is supposed to lift an intolerable burden, as well as for society at large it would be well to know what were the favorite crimes of these 366 escaped felons (since unreformed criminals generally repeat the same crimes again and again), what moral and material mischief 123 of them did before they were recaptured, and what the record will be of the 243 remaining at large, when the terms they should have served have expired. These facts are not given; we get only as it were a faint whiff of the mischief in the item of $6,900, expended in apprehending 100 of them."(16) Mr. Cable clearly proves his satement that it is a fatal and inhuman policy to act upon the theory that the community should not be put to any expense for the reduction of crime and the reformation of criminals. The principles of justice require that the expenditure of public funds should be wisely regulated and conscienciously administred; but an enlightened society will as little grudge the expense of a scientific and pathological treatment of its poor moral patients, as our humane society of the present day grudge

(16)"The Convict Lease System in the South."—Century Magazine for February, 1884, p. 594. There are many other records that could be cited, but these are enough to illustrate the facts—Author.

the best medical treatment for its physical and mental pauper patients.

Expenses in the building and outside adorning of prisons, however, may well, I think, be curtailed. I heartily concur with Mr. Hill whene he thus writes: "A gaol with a stately and imposing exterior has a mischievous tendency to give importance to criminals and dignity to crime, which the poor, but honest man is likely to regard as a kind of injustice towards himself. I cannot therefore but hope that the fashion which led to the erection of such gaols in fine architecture will soon pass away, of which so many samples exist, and that we shall rid ourselves of that strange kind of vanity which causes us to make a parade of moral deformity."(17) There is no injustice and no impropriety in the productive employment of prisoners. Lunatic patients of the public are partially self-supporting and that the public should maintain in idleness its moral patients is wholly unnecessary; but the labors exacted be strictly proportional to the individual capaciay, for observe, whilst its indirect result is economical, its direct aim and purpose is medical and educational. It is intended primarily to promote the physical health, the mental comfort, with the moral improvement of the patient.

Educating ignorant criminals, reforming corrigible criminals and restraining from crime incurable criminals, are duties of the State, to be stringently, faithfully and gently discharged, until the glorious period is reached when science, having been for generations persistently applied to all the various causes of crime, and having removed these causes—by restraint of the too rapid increase of population, by careful attention to the laws of heredity, by the scientific training of each individual member of the community, and by well ordered domestic and social life—the criminal nature will have become extinct, and crime itself be simply historical—a thing to be studied with interest as an extirpated social disease.

(17)H. Hill on "Crime," p. 297. This applies equally to our magnificent lunatic asylums. Should we make a parade of mental deformity?

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THE CONTINUITY OF LIFE.

BY ELEANOR GRIDLEY, OF CHICAGO, ILL.

Your genial and learned President asked me to "speak in meeting," and when I said to him, "What shall I say?" his answer came "Whatever pleaseth thee." I feel, however, that to yield to his request and to occupy the short time allotted to me is presumptious; upon the contrary the voice of the ordinary should be silent, in the presence of an assembly composed of such distinguished individuals who are here gathered together.

We have been told by somebodies, perhaps, however, they are nobodies, that women are like wandering breezes and have a way of thinking disjointedly. Therefore, to relieve myself of embarassment I shall confine myself to my notes, thus hoping to escape the anathema of censure.

It is said that as man thinketh so he is (true of women too). Now that which I think and which is nearest and dearest to my heart; that which fills my waking and sleeping hours; that which abideth with me alway is, that weeping-sorrow-stricken humanity may know that the soul is immortal; that continuity in life is a glorious fact. When such fact is established, beyond preadventure, then light, joy, and peace will illumine the world and the infernal misery of uncertainty will have passed away. Such knowledge will revolutionize thought. Night will become as day, and time and space will vanish. The whirligig of Antiquity will no longer produce its mouldy platitudes; death will have lost its sting and the grave its victory.

Read at the January Meeting, 1906, Medico-Legal Society.

It seems to me, however, that searchers and researchers, who go after this most important of all things in the wide world, handle the matter in a gingerly, faultfinding, carping, distrustful manner, anticipating, at every stage of the game, deception, falsehood, fraud. The instrument of and the phenomena are dissected, each part or parcel torn into shreds, then tossed into the waste basket of adulterated conclusions, buried, and never resurrected for reconstruction.

Can we not think some new thoughts? for back of methods are thoughts. Surely we all know what thought-stuff can do. It is powerful; it can build; it can mould; it can heal; it can cure; it can destroy. Thought takes possession of thought. Thought is inextinguishable. Shall we not build a thing of beauty rather than to eternally engage in the work of destruction?

Progressive and constructive thought-stuff is the cure-all. Time and demands will determine and lay out new methods. A safe bridge will span the chasm over which the seeker for truth shall, full of confidence and joy, find an easy path.

Columbus believed—he thought—that by sailing Westward he could reach the East Indies from the opposite vantage point and so firm were his convictions, or so sure was his thought-stuff in that particular conception that Columbus came to believe that the Most High had chosen him for a special and Divine purpose. Now what did Columbus accomplish? A group of islands to be sure was found, but not those he sought. A group of greater significance, however, a group adjacent to a large and mighty Continent, which today is the battle ground of past, present and future events, powerful, far-reaching. It and its concourse of people are inhaling and exhaling, so to speak, spiritual forces. The civilization and progress of the occidental is marvelous, it sets the world aflame with wonder; but let us ask of what use or value is civilization unless it relieves pain, hunger, agony, sorrow and satisfies the eternal longing of curiosity to know if a man die shall he live again.

Now, the most important knowledge, the most important truth, the most important factor in the progress of civilization, to my mind, is to know that the individualized soul is immortal; that it will never cease to exist, will never lose its personality, will never be deprived of its previous memories; that it will reach out into greater, grander and more beautiful achievements; that the tiny foot placed upon the lowest rung of the ladder will climb to the height and eventually stand in the presence of Infinity, to thrill with joy in the knowledge of its kinship to God.

Such knowable, glorious truth would make a Paradise of this dull earth.

That thought runs in currents, following to and from people, as real as that of air and water, is a well established scientific fact I believe, and that what one thinks and talks attracts a like current of thought.

Thoughts are things to grapple with, be they good or evil, and I believe that the thoughts of those who have passed into the beyond are not extinguished; therefore it is no longer true that dead men tell no tales.

Some people, aye, many are afraid to investigate psychic phenomena lest they be called superstitious; but I say to avoid this topic is no less superstitious and there are also those who stand high in the realm of science and literature who throttle the greatrest problem of life. It seems to me, though, that it is better to stir a question without settling it than to settle it without stirring it.

I wonder if my sex is really any happier to-day than in the days gone by. I wonder if my sisters who are running wildly about trying to save the Universe have accomplished aught. I wonder if their lengthy papers, articles, essays, themes, etc., etc., ad infinitum, and from which not a single oratorical arrow is absent from their quivers, satire, wit, invectives, logic, science, pleading demonstration, and read before Women's clubs, which have for their particular aim the prevention of cruelty to beasts, birds and reptiles, are not formidable enough to make the departed crazy and the dear paler?

Would it not be sweeter, dearer, more potent that the sisterhood leave all vexed questions to God to untangle and like May of old turn to the contemplation of the faces aad forms of the eternal sheen and to believe that the children of the new race shall like Jacob's angels ascend and descend the heavenly ladder; that God will put windows into the souls of of the future generations that all may see the light, feel the beauty and hear the harmonies of the celestial spheres.

To fetter the Soul with assumed impossibilities is impiety. It is the mighty eveuts, which take place before birth that mould the soul. Therefore, let our future mothers concentrate their thoughts on God for an infoldment precedes an unfolding.

Let us ask that the future children of earth be flavored with thc Divine essence. God has a few to whom he whispers now, but let us believe that Heaven's great bell will summon innumerable hosts who shall ascend the scale of melodies and then the seen and now the supposedly unseen shall mingle in sweet companionship and a delicious interchange of thought shall bless humanity. Then Whittier's real experience by the river path will be that of others.

"A presence strange at once and known
Walked with me as my guide.
The skirts of some forgotten life
Trailed noiselessly by my side."

SPIRITUALISM.

Its Manifestations as Viewed by the World of Science.

A writer in Everybody's Magazine, in discussing the present aspect of the question, may come nearer to the truth than the average observer:

"Spiritualism is the successor of the mediaeval occultism and of the older magic. Today science, without accepting its manifestations, studies them, and in these troubled waters almost all the facts upon which the new metaphysics is founded have been fished up. Like magnetism, it has drawn the attention of physicians to the phenomena of induced sleep, and has given many of the data for the study of hypnosis and suggestion. The mediums, who believe, like the ancient pythonessees, that they are possessed by foreign spirits, have served for the study of the change of personality and telepathy. And it has shown that the prodigies, diabolic and divine, recorded in all early religions were not so fabulous as the critical fancied. At all events science admits that there is a force—call it psychic as Crookes does, neuric with Baretz, vital with Baraduc or the odic force of Reichenbrach—a force which can be measured and described leaves its mark on the photographic plate, which emanates from every living being, which acts at a distance, which saves or destroys. Plato knew it. Great wizards like Cardan made use of it. The charlatans like Cagliostro blundered upon it. The scientists have the last word."

There is not room in the world of Science today for the man who, like Huxly, has laid down dogmatic theories which are fixed and unalterable, so far as his mind reaches, and who finds on trial that spiritualism cannot be true, because it is in conflict, apparently, with certain phases or propositons which are not compatible with the unbending and inelastic laws he has originated.

Measured by the Huxly yard stick it cannot be measured, hence it is impossible.

The Materialist as a rule is of no use in the world of Science. He is attached to and governed by certain inflexible and unchangeable ideas that he calls settled and unchangeable.

Spiritism don't tally with these, so spiritism must be rejected as a matter of course.

The Agnostic who has made up what he is pleased to call his mind, to this practical solution of the whole question, that because he don't know whether a certain phenomenon in nature is true or not, and its problems are quite outside his range of vision; therefore, it cannot be true; such a mind is of no earthly use in the world of science in helping to reach a solution.

It is almost safe to say that the investigator who commences the study, with the professed belief that the whole system is based on fraud usually ends up with becoming a spiritualist.

That was the result with Myers, Hodgson and Hyslop.

The man who commences the investigation with a fair, open mind cannot be too watchful against frauds, but willing to recognize without fear, what he really does see, and does find, is met with phenomena that he can neither understand, explain or come to any settled opinion about. Forces do exist in nature, of which as yet he has to concede, that we do not know even the elementary principles which govern them.

What is the force for example that actually moves the table, at a seance, without saying whether it be an intelligent force or not.

What is the force? How does it emanate? What sets it in motion? What laws govern it?

It is quite easy to entirely eliminate all possibility of fraud in table moving. Then what. There are people in the world so ignorant as to say that the phenomena does not exist, because it is impossible that it could exist.

Like the French member of the immortals, who asserted that the aerolite did not exist, and could not exist, because we all knew that there were no such stones in the atmosphere of the earth to fall and they could not fall.

The eyes and the vision of Science is becoming more acute, more observant, it seems to have longer range, clearer perceptions, broader scope.

The personel of the observer becomes a factor.

This subject has raised in tone; sincere, keen, acute men of ability, integrity and character are among the students, and the explorers.

Assuming a first cause it is difficult, if not impossible, to conceive, of want of power in the Infinite, to make the physical phenomena, we call death, beyond the control or limitation of the power which created it.

Continuity of life seems rather a logical sequence, when we study the soul of man and his physiological being and the psychological side of man. We would have to think out a plan, which could possibly place limitations on the Infinite, in respect to either manifestations or evolution of the power of the Infinite over its own creations.

RICHARD HODGSON, LL. D.,
Boston, Mass.

DR. RICHARD HODGSON.

BY PROF. J. H. HYSLOP, NEW YORK.

Dr. Richard Hodgson died before his work was half finished, and the world will not know its loss until it has made up its mind to look into the problems which it was the task of this pioneer to investigate. I say pioneer, not because he was by any means the first to investigate the problem of a future life from the scientific point of view, but because he was the first to appreciate the complicated psychological and evidential issues involved, and was the first to give his own investigations a form which have forever stamped the subject with his personality and methods. The loss occasioned by his death, before he had been able to write down his results, is absolutely irreparable. Not another living man has the data on which to base his conclusions so effectively as Dr. Richard Hodgson. He had worked for more than twenty years upon vast quantities of material bearing upon the supernormal in psychology and for eighteen years upon the remarkable case of Mrs. Piper with a record that would require perhaps one or two hundred thousand dollars merely to publish, and of all this material his mind held the threads of connection. Those threads are now severed beyond any recall without many more years work on his data. When that record gets publication his work and memory will receive the vindication they deserve. In the meantime science must mourn its loss and recover from the disaster such courage as it can to take up the work which death has interrupted.

Richard Hodgson was born, in 1855, in Melbourne, Australia, and received his early education in the public schools of that place. He afterwards entered the University of Melbourne, and took there the degree of M. A. and LL. D.

Eulogy pronounced at the Annual Dinner of the Medico-Legal Society, January 17, 1906.

It was his original intention to study law and this course was followed for a time. But during his legal studies he gave some attention to science and philosophy, and finally he resolved to devote attention to these fields. In the meantime he early became interested in the occult and it seems that a symposium in one of the British monthly magazines stimulated him to make this subject an object of more thorough inquiries.

After completing his law studies at Melbourne, he went to the University of Cambridge, England, and there graduated in the mental and moral sciences. The teacher from whom he learned most, according to his own statements, both in personal instruction and in lectures, was Professor Henry Sidgwick, Professor of Moral Philosophy, in Cambridge, and President of the Society for Psychical Research. It was from Herbert Spencer that he learned most of his philosophical views, and on this philosopher's system he engaged in some controversy with Professor Thomas H. Green, of Oxford.

After the completion of his Cambridge course, he spent six months in Jena, Germany, attending the university there, and soon after his return to England lectured for six months at different towns in the north of England in connection with University Extension. His subjects were scientific and literary, being "The Development of Poetry Since 1789," and "The Mind and the Senses."

An undergraduate society, called the Cambridge Society for Psychical Research, was started during his second term in Cambridge, early in 1879, and in this he took an active part. He assisted at various sittings with mediums, who proved to be, with one exception, fraudulent or unsatisfactory; and the society gradually dissolved, this being due partly to the fact that the members of the society could not spare the time from other university work. The exception mentioned above was a medium, who gave some remarkable tests, sometimes in apparently normal states and sometimes under "control." Dr. Hodgson had met her in London and persuaded her to give two experiments to the small society. This society, however, was not the one now known by the same name and which started early in 1882.

Dr. Hodgson soon afterwards joined the Society for Psychical Research as newly organized and served on its

Council and some of the Committees. In 1884, he was appointed by the Board of Mental and Moral Sciences, in Cambridge University, England, as Lecturer on the Philosophy of Herbert Spencer. But this course was interrupted by his appointment to go to India and investigate the marvelous phenomena alleged to have occurred in connection with Madame Blavatsky and the Theosophical Society. The details of the investigation made in behalf of the Society for Psychical Research were published in Volume III, of the Society's Proceedings. His conclusion was that the phenomena were fraudulent, and any one who takes the pains to examine his Report and the methods by which he established his conclusion will not deny him a scientific mind or the right to express an opinion on scientific questions. It was his study of the Hoot Koomi letters that constituted his claims to an expert in the treatment of obscure psychological questions.

After his return to England, in 1885, he lectured again in Cambridge on Herbert Spencer's philosophy, and then spent a year in London, engaged to some extent in political work, as well as psychical resarch. He conducted an investigation, assisted by Mr. J. S. Davey, into the possibilities of mal-observation and lapse of memory, with a special regard to the testimony of the marvelous phenomena occurring in the presence of alleged mediums and conjuring tricks imitative of spiritistic performances. The result was published in Vols. IV and VIII of the Society's Proceedings. In the monthly Journal of the Society, about that time, he reviewed in detail a large number of reports of alleged independent slate-writing and analogous phenomena, showing that they could be accounted for by conjuring. He also contributed papers on philosophic subjects to the quarterly journal, "Mind."

Early in 1887, he accepted the position of Secretary to the American Society for Psychical Research, which, in January, 1890, was transformed into the American Branch of the English Society, of which he was appointed the Secretary and Treasurer. During his residence in America he contributed various articles in the Forum and Arena. His contributions to the Society's Proceedings besides those mentioned were the following:

"A Case of Double Consciousness," being a report on a remarkable case of deplex personality in which a man lived a normally unconscious life for six weeks. "A Record of Certain Phenomena of Trance," which was a report on the phenomena of Mrs. Piper. An article on "The Defence of the Theosophists," being a reply to criticisms by the theosophists of his report on Madame Blavatsky. An article on "Indian Magis and the Testimony of Conjurers," and a "Further Record of Observations of Certain Phenomena of Trance," being a second report on the phenomena of Mrs. Piper, in which he came out in defence of the spiritistic hypothesis as based upon that record. His last published article was a short portion of the report on the phenomena of Mrs. Thompson.

Since the publication of his second report on Mrs. Piper he quietly pursued his investigations with the hope that he would soon find the time and means for making a final and complete report on them. This was not to be and he was snatched away without warning before his work was done.

To this account the most of which has been taken from the Religio-Philosophical Journal, as probably reported to the editor, of whom he was a friend, I would add what was apparently a personal letter to this same editor. It represents his own statement published earlier (1890) in the same journal.

"My interest in psychical research is greater than ever, and it seems to me highly probable that before many years have elapsed there will be such new and valuable testimony before the world as a result of the labors of our society, in favor of the spiritualistic claim that it is possible for our departed friends under special conditions to make their continued existence known to us. It is my own conviction that such communication is possible, tho' I hold that it is not nearly so frequent as most spiritualists commonly suppose. What we need at the present time is the earnest sympathy and co-operation of all who do hold or would like to hold this conviction as well, indeed, as of all those who think that further inquiry may lead to a different conclusion."

The last seven years of his life were uneventful in the sense that they presented any public surprises. He wanted

to complete his investigations of Mrs. Piper before he published any more reports. He felt, like a true scientist that he should reserve his final conclusions regarding that case until the facts justified them. This object has been defeated by the grim victory of death and the cause awaits his successor.

It is in place to tell something of my own personal relation to Dr. Hodgson and his work. The incident that attracted my interest to psychical research was Dr. Hodgson's paper on "A Case of Double Consciousness." I heard an abstract of it read at a meeting in New York City, designed to organize a Section of the Society. What pleased me so well in the paper was the great pains and care taken to ascertain what the facts were and to state them without offering any theory in explanation of them. The reading of the paper decided my intention to join my lot with these investigators. This soon brought me into intimate relations with Dr. Hodgson as Secretary of the Society and as a personal advisor in matters in which I was but a beginner. I soon learned the man's great range of knowledge in the complicated field, abnormal and supernormal psychology, as well as the tricks and illusions of prestidigitators and similar performers. This acquaintance began in 1889, soon after I had been appointed to a position in Columbia University, and it soon ripened into a warm friendship which lasted until his reath.

We were both working together for the proper organization and endowment of psychical research, and I had hoped that only a short time would intervene before having him in a position to do his work more effectively. We exchanged views upon this matter and had reached a definite understanding as to policy and methods. We both agreed as to the problem which we had to solve and also in the main as to the theoretical considerations which needed public discussion. But he was the blazer of the way and I was the follower. I had relied upon his taking the leadership and control of the work in this country, as there was no man in the world well equipped for it. The deaths of Mr. Frederick W. H. Myers and of Professor Henry Sidgwick, in England, had left the work in that country very much crippled. With Dr. Richard Hodgson passing the divide there are no persons with his unusual qualification

in the psychology concerned to take up the task and those who now assume to investigate will have to begin where Dr. Hodgson began twenty years ago.

The actual work which he did will have to be known when his literary executors have published the results. His monument will be the Record on the experiments with Mrs. Piper and the immense mass of phenomena on file in the archives of the American Branch and awaiting an editor's work. But there are some things which should be said in deference to his memory which only a few of his most intimate friends know, and I count myself among them. I mean to say some of these things in justice to the man, and they are things which he could never say for himself. I do it too because one of the things in his honor was not recognized as it would have been, if Mr. Frederick W. H. Myers had lived and written the Preface to his work on Human Personality and its Survival of Bodily Death. It will be remembered that Mr. Myers died before the work was completed and it had to be finished by Dr. Hodgson and Miss Alice Johnson. The public does not know that Dr. Hodgson was responsible for the most that is scientifically valuable in that work. Mr. Myers did nothing without the approval of Dr. Hodgson, who arranged the material and saw that no data found a place in the work that were easily exposed to sceptical attack. The general acknowledgment of this is made by Mr. Myers in such part of his uncomjleted preface as he had written before his death. He says: "Whatever value this book may possess is in great measure due to other minds than its actual author's. Its very existence, in the first place, probably depends upon the existence of the two beloved friends and invaluable coadjutors to whose memory I dedicate it now." Mr. Myers refers to Mr. Edmund Gurney and Professor Henry Sidgwick. Mr. Myers did not live to acknowledge the part of Dr. Hodgson in the scientific character of the great work mentioned, and without some statement of the fact the world would never know it. I had this fact from Dr. Hodgson's own lips and also much more in relation to the intention of Mr. Myers. I could tell a story of responsibility for the failure to make this acknowledgment—a responsibility not attributable to Mr. Myers, but to another—which it is wise not to mention. If any one wishes to ques-

tion my statements I can produce documentary evidence of my assertion, and this will some day find public expression. It may be a small matter to mention such facts, but honor to whom honor is due, especially when the share which Dr. Hodgson had in the work would have been cordially and fully recognized by that noble and earnest writer whose abilities and work were no object of jealousy on the part of the man whose history I am telling. The reason for alluding to the circumstance at all is that the work of Dr. Hodgson will not be understood until this fact is fully explained. The future must be relied upon to tell the facts.

What I have here said is a partial answer to the statements made by a newspaper editor whose ignorance of other facts is inexcusable. I refer to what was said in the editorial columns of the New York Times on the date of December 22nd, 1905, the day after the announcement of Dr. Hodgson's death. Its comments were as follows:

"There is a useful lesson, perhaps, for the members of the Society for Psychical Research, in the fact that in all the ordinary articles published yesterday on Dr. Richard Hodgson, the Secretary of the Society's American Brnach, chief stress was placed, not on any demonstration or verification the eminent gentleman had made of what it is convenient to call the supernatural, but upon his brilliant success in proving—what?—why, that Mme. Blavatsky was a fraud and 'theosophy' a humbug! It's a poor reward for many years of laborious, intelligent and honest study, but as large, so far as we are aware, as has ever been won by any other student of the same subject—or by all of them put to together, for that matter. Whenever they have reached anything even remotely approaching certainty it has been in the destruction, not in the establishment, of some such claim as those made by the Russian miracle monger who for a while deluded so many well-intentioned and serious-minded people. It is true that the Society for Psychical Research has in its roll of membership a few real scientists, as well as a considerable larger number of rather well-known names, but the real scientists are always behaving as if they realized the queerness of their company, and at least one of them—Simon Newcomb—parted company with them after a brief experience, making some remarks that struck almost a fatal blow at the society. In

all their 'problems,' he said, there was nothing a scientist could investigate, and on such phenomena as they provided he would not waste any time. Sir Oliver Lodge and others have had more patience, but even they do vastly more of presiding at meetings of smaller men than of ghost huntings."

No excuse but ignorance is possible for the implications of this article. Why any one should rely upon obituary notices, written by people who know nothing of the work, for a knowledge of the work of Dr. Hodgson is astonishing. Really intelligent men would have known better. The publication of his two reports on the case of Mrs. Piper were epoch-making books. All intelligently informed men would have known of them and would not have betrayed the fact that their interest in the destructive attack on Madame Blavatsy also revealed a prejudice against a constructive opinion on the other side. Any approval of the work done in the Blavatsky case involves respect for the other matter, whether its conclusion be acceptable or not. Then the certainty and demonstration of the claim for the supernormal depend quite as much on the intelligence of the reader as they do upon the man who supplies the evidence. Most people conceive demonstration as equivalent to the conversion of public opinion, but it is in fact a very different thing. Columbus demonstrated the rotundity of the earth, but nobody believed it and his demonstration would have been denied by all the man of his age. Darwinism was long demonstrated before the newspapers dreamed of accepting it. If the scientist waited for the approval of the public press re would never make any progress in the discovery of the truth.

Let me say, too, that the less the Times and other papers say about Professor Simon Newcomb the better. I have seen him quoted before in this connection and would not refer to the statement above, but for that fact. There are some things which this astronomer does not say in public and this frequent reference to him, as if he were an authority in psychology, on a matter of which he is absolutely ignorant, justifies a public statement. He has said some things to me personally and also to a well-known public man which would as much susprise as it might edify many who quote his adversely to psychic research. He is per-

haps right in maintaining silence on the constructive interpretation of such phenomena, because he is an astronomer and would have no influence with the only persons who have a right to adjudge the problem. But I would deem it as wise on his part not to attack what he is not qualified to approve. The strangest part of the whole matter is that a public will sit in judgment on the psychical question that would not dare to say a word about any other scientific issue.

Any one who would read intelligently Dr. Hodgson's two reports on the case of Mrs. Piper, to say nothing of his other writings, could not deny or question the fact that here was a positive and constructive result of some kind very different from the "destruction" of Madame Blavatsky and the exposure of fraud. Men may intelligently differ in their interpretation of the facts, but they cannot differ regarding the apparent significance of them. It is only just to the memory of Dr. Hodgson that we remind the reader that he did not stand on the public opinions of any man, scientific or otherwise, but published facts about which amiable and prudent men prefer to keep a careful silence. Not one of them will make himself responsible for the only simple theory that would discredit the views of Dr. Hodgson.

I have often heard insinuations about Dr. Hodgson's relations to the case of Mrs. Piper. It has been circulated widely that he made money out of it in the usual way in which cases of this sort are some times exploited. I wish here to indicate, as far as it is at present prudent to do so, the baseless character of these statements. The world does not know and only a few of his close personal friends knew the privations and sacrifices that Dr. Hodgson underwent in behalf of his work. The time has not yet come to tell the naked facts. He kept them from all who were in a position to help him and told them only to those who could not help him. Mrs. Piper is the only person who ever received any money for the experienments and she received nothing more than a living. Dr. Hodgson spent all his own personal funds in the investigation and had to rely upon outsiders, some of whom he did not know, for aid in his work. But at no time did he have sufficient income to conduct his investigations as they required to be conducted

in the interests of the best scientific results. So far from making anything out of the experiments he did not even make his living from them, and when the record is published in the future it will be found that he resisted all temptations that others put in his way to make the occasion a mercenary one. No more self-sacrificing devotion to pure science ever manifested itself anywhere and it will be recognized when history has made up its accounts of the work in psychic research. Those who are familiar with the work and who knew the man and his unselfish devotion to his problems can account for this suspicion of the public only on very uncomplimentary views of human nature and its willingness to believe and circulate unwarranted stories without seeking evidence for their justice. Every gentleman who knew him would resent any such aspersions, but will calmly await the just judgment of history.

I had myself to face the question of trusting him when it came to my experiments in the Piper phenomena. This was not because I had any reason to entertain such distrust, but because I had to reckon with the unfounded suspicions of men who cared more to raise objections than they did to investigate the allegation of facts. Dr. Hodgson never knew the quiet investigation which I had to make to answer objections of the sceptical world. My verdict was that I would trust him morally, intellectually and scientifically more than any man I ever knew. In all the traits of honesty and high aims he had no peer living, and I say this coolly and advisedly. I knew him too deeply to permit any but his best friends to criticise. He had his faults, but they were not what the public supposes them to have been. He was not always tactful, and he was not adapted to the social life of the world. He often did imprudent things in his work and made many enemies in it. But he understood science and its methods, while those with whom he was compelled to work did not understand him in this, and hence the inevitable friction that resulted in misunderstanding on both sides. But his was not a selfish interest in his problems. He had no self-aggrandizement in view, and was content to work out his problems patiently and for the ultimate issues of civilization. He knew well what place the belief in a future life had for the

moral ideals of man, and was not one whit behind Mr. Myers in his conception of this. But he understood perfectly the subordinate place which emotion had or should have in the solution of such a problem. No man kept a clearer eye on the kind of facts necessary to influence the cold judgment of science and his emotions never interfered with the scientific firmness of his method. He had his poetic tastes and interest, but these did not blind his vision to truth. He was ever faithful to the most exacting standards of investigation.

PREVENTIVE LEGISLATION AGAINST TUBERCULOSIS.

BY CLARK BELL, ESQ., LL. D.,

President of the Medico-Legal Society of New York; Chairman of the Committee on Organization and of the Board of Executive Officers of the American International Congress on Tuberculosis at the World's Exposition, at St. Louis, 1904; Honorary President of the American International Congress on Tuberculosis, at St. Louis, 1904; Delegate from the Goverment of the United States to the International Medical Congress at Lisbon, April, 1906.

The Management of the International Medical Congress of Lisbon, of April, 1906, has challenged the attention of every Student of the Science of Medical Jurisprudence in the world of scientific investigation, by its endeavors to arouse and interest the Medical Profession, in particular, in the discussion of a list of Medico-Legal Problems of great public concern, and by calling on contributors in the United States of North America, through the American Medical Committee and the American Medical Press, to discuss these carefully selected questions before that body.

I have looked through the list of eminent men who compose the management of this splendid work that Portugal is making in their great Congress of the family of Nations, and find among these men who have won eminence and distinction as Jurists of that beautiful country, men who have inspired the effort to arouse the ablest men of both professions of Law and of Medicine to unite on this occasion in considering the most vital and important Medico-Legal questions of the hour.

Read before the International Medical Congress at Lisbon, April, 1906.
The International Congress of Criminal Anthropology, at Turin, Italy, 1906.
The Medico-Legal Society of New York, May 16, 1906.

It was this call from Portugal to the Medico-Legal Society of New York, which in its great national and even international relations to the Governments of the Western Hemisphere, that has aroused the fellows of the Medico-Legal Society which has for the past five years, been actively and strenuously engaged, in that conflict with Tuberculosis, which has been carried forward since 1900, under the protection and with such splendid aid and sympathy of the Great Republic of the Western World; and in which nearly every Government, Province, Colony and Dependency in the Western Hemisphere has been invited and urged, by the Government of the United States of America to enlist and co-operate.

The splendid success which crowned the recent efforts of the American International Congress on Tuberculosis, in the Fall of 1904, at the World Exposition at St. Louis, are laid before you with this paper in the Bulletin of the labors of that Congress, which was organized by the Medico-Legal Society in 1900, and with whom it has thus far sat in Joint Session, and always upon the invitation of the Congress, emboldens me to lay before your International Medical Congress at Lisbon; and the International Congress on Criminal Anthropology at Turin the most urgent and the foremost Medico-Legal questions of the hour, or of the present century.

"The great, the burning, the all powerful question in Forensic Medicine, Preventive Legislation against Tuberculosis."

Many questions came before that Congress, at St. Louis, but none so important, so momentous, so great in its consequences to the race as this one subject, purely Medico-Legal in all its aspects.

The form in which it was presented to the St. Louis Congress was as follows:

"Preventive Legislation Against Tuberculosis."

1. Conceding that Tuberculosis is a communicable disease from one human being to another, without which as a conceded fact, no legislation could be sustained by the Courts, the real burning issues that confront the Congress, may thus be briefly stated:

a. How far can legislation be devised, that can arrest, avert or even diminish, the terrible mortality of consumption, under which the human race now suffers.

b. How can this coming Congress devise means, that will educate the public mind, to a recognition of the imperative necessity of legislative action, and define its scope and field; and

c. How can public opinion best be created, informed and influenced:—

I. To favor the passage of such legislation as is deemed likely to best accomplish the desired result, and

II. How can public opinion be best aroused, formed and enlightened, so that the public sentiment will favor the enforcement of such legislation when adopted.

This should be a practical, an influential and a successful movement, of the professions of law, medicine, and the students of scientific research in all professions, to inquire of the exigencies, and the duties of the hour, in the presence and at the beginning of a conflict, that is the most appalling in its consequences, that mankind now has to meet, with any known form of disease.

If it be conceded that Tuberculosis is infectious, or communicable from one person to another, there can be no graver problem precented to the race, than that of how far, intelligent and carefully devised legislation, can be used for the protection of human life, from that form of disease, which now numbers more victims than any other form suffered by mankind.

Whatever may be the result of the controversies of the Pathologists and the Bacteriologists, or whatever light may be thrown upon the questions, by the students of these subjects; by the chemists, the scientists, or students in all the professions, or upon the problems of Human and Bovine Tuberculosis, their relations to each other, or their communicability; whatever Koch, or Behring, or the abler students now engaged in the laboratories of the world may conclude on the disputed questions; all these problems and controversies sink into insignificance, when we are confronted by the fact conceded and asserted by all, that consumption is communicable, and that the intervention of the law becomes a public necessity, for the protection of mankind from the ravages of this awful, this terrible disease.

It is not in any sense a Medical question only. It is more a legal question than Medical one. It demands the highest legal and legislative ability in its elucidation.

The Statesman, the legislator, the scholar, besides the lawyer or physician, can find in its solution questions demanding his best endeavor, his highest talent. The legal profession has not given to these issues that attention their great importance demands.

Inter armes silent leges seems to have been a partial explanation of the apathy of the leaders of legal thought. They have not been conscious of the tremendous loss of human life, in the conflict with Tuberculosis, that has gone on around them, even when it touched them, and the dead have dropped at their very side unnoticed, and almost unthought of, into that remorseless river, strewn with its victims, from the hearth stones of every home, and every family in the whole world.

The apathy of the Bar, is amazing, it is inexcusable. The Bar should act, and should be aroused to action.

It is easy to throw off responsibility, and to place and to shift it on the Medical profession. This responsibility should not rest on Medical men. Their professional duty is to treat the disease; to call public attention to its communicability; to arouse public sentiment, and to educate the public mind to action. This the Medical profession has done, and is doing and doing well. They cannot be asked to frame laws and secure their passage. They can give advice on the medical questions involved, their experience in the treatment, can be utilized in procuring preventive legislation, but the fault of public apathy cannot be justly laid at the door of the Medical profession.

The campaign before the civilized world is, therefore, pre-eminently a campaign of education, not alone of the masses of the people, but of the professions of both law and medicine, in the two great issues, not only:—

1. To educate all, as to the necessity of suitable legislation to arrest and resist the spread and ravages of the disease, but:—

2. To educate and influence public opinion among all classes of the people, so as to secure the passage of wise legislation, through legislative bodies, quite outside of

partisan political considerations; and to solidify and strengthen public opinion, as to compel and sustain the authorities, in the enforcement of such laws when once enacted.

That such issues should be limited to Medical men noly and all others barred, is too absurd and untenable to even discuss.

The time has come, for men of all professions, to unite in this common effort, and the lawyer, the judge, the medical man, the chemist, the bacteriologist, and the student of the laboratory, whether a medical man, or not, the reverend clergy and the intelligent laity should make common effort in a common cause.

I was invited by the President of the State Medical Association of that great American State, Texas, which in the near future will be one of the foremost States of the American Union, in wealth, in population, usefulness and influences a State which has within its own borders all the resources for an empire, to speak on this subject in the Fall of 1904. I quote some part of what I said as now applicable not only to Portugal, but to any civilized country on the Globe.

"Preventive Legislation in Forensic Medicine."

"There can be no question of the right of the Government of a State acting through its Constitutional powers, by legislative enactment, to adopt and pass such laws, rules and regulations as will insure to the welfare of its citizens in averting the spread of an infectious disease.

In every American State this power of the State, by suitable legislation, to protect its inhabitants from an invasion of an epidemic which threatens the health or the lives of its people, rests on as solid a foundation as would the power of the State to resist invasion by a public enemy threatening with an army of soldiers, the lives and the property of the people of a State.

This was the great issue before the St. Louis Congress, of 1904.

The action of the St. Louis Congress upon this subject resulted in the unanimous adoption of the following resolutions, which I had the honor to present to that body,

"Resolved, That as the sense of this Congress consumption is a communicable disease from one human being to another.

"Resolved, That it is within the power, and it is the duty of the Government of every State, Province or Country to adopt such laws and regulations as will most effectually arrest the ravages and spread of this terrible disease.

"Resolved, That as the efficacy and usefulness of laws depend upon their prompt and vigorous enforcement; and as experience has demonstrated that laws can only be enforced that are in accord with sound public opinion, it is in the judgment of this Congress the bounden duty of every citizen to use his influence and his best endeavor to arouse and create a public sentiment in favor of the adoption of preventive legislation respecting this disease, and as well to support the authorities in the vigorous enforcement of such laws when they have them adopted."

If the considerations I have presented for your consideration of what the fellows of the Medico-Legal Society who founded the American Congress on Tuberculosis placed as upper most and fundamental in the conflict with that dread and scourge of the race consumption, shall fall on good ground and bring forth any fruit, our purpose will have been accomplished.

The record of this work reflected in the Bulletin of the labors of that body which have been relayed until March, 1906, will be a record of a great, a noble and a philanthropic and humane endeavor for the welfare of the human race.

To my Colleagues in Portugal and Turin I wish on behalf of the Medico-Legal Society to express to you the great pleasure it has given the students of Forensic Medicine in my country to recognize the great space and place the Lisbon Congress has given to Medical Jurisprudence in the work of that body.

The Science becomes a debtor to Portugal for this splendid object lesson, she presents, especially to the Medical profession of all lands.

It has been to the Glory of Italy that she lighted the fires on the altar of Medico-Legal Science at the outset.

It was Zachias, whose work is almost and in many respects a classic in Forensic Medicine; to France and Germany a little later; and to the Latin races especially, that we have had their rulers foster, encourage and aid financially and socially the Sciences and especially Medical Science centuries before it had recognition even in England.

It is due to the American Government now to say that in her relation to Science, the Arts and the general uplifting of the race she may not yet have come into your conception of a full grown Nation, but that she is now, and hereafter in the near future, will ever fail to be, in the forefront and in the vanguard, in every work that is for the general good and uplifting of the whole people whose destiny has been placed in her charge.

NOTE.—This paper will be sent in advance to the members and delegates of the American International Congress on Tuberculosis, to be held in the City of New York, November 14, 15 and 16, 1906, to open the discussion of the subject before that Congress from the Chairman of the Standing Committee on that subject, to be read at that Congress.

PROF. ROBERT OGDEN DOREMUS, M. D., LL. D.,
New York City.

NECROLOGY.

PROF. ROBERT OGDEN DOREMUS, M. D., LL. D.,

Ex-President Medico-Legal Society.

Few men have exerted a greater formative influence in the Metropolis of New York than the eminent chemist, educator and inventor, Dr. Robert Ogden Doremus.

Born in New York City, January 11th, 1824, he has witnessed the marvellous growth of his native city from the time when he lived at the northwest corner of Broadway and Cortlandt street, up to the present time, when about four million of people comprise the greater city.

Dr. Doremus was, on his father's side, a direct descendant of Anneke Jans, one of the most notable of the Dutch settlers; while his mother was the grand-daughter of Robert Ogden, one of the founders of the Princeton Unicersity, and of English descent.

His father, Thomas C. Doremus, was the senior member of the firm of Doremus, Suydam & Nixon, the largest wholesale mercantile firm in this country at that time and located at the southwest corner of Liberty and Nassau streets. His mother, Sarah Platt Haines, became one of the most noted philanthropists of this city, devoting her attention especially to hospital and missionary work, particularly foreign missions, but without neglecting her duties to her family of nine children, of which Doremus was her only son.

After his school education Dr. Doremus entered Columbia College, in 1838, but remained there only one year, when he changed to the New York University, on account of his father being one of the founders of the latter, from which institution he graduated in 1842, with the degree of

A. B. He subsequently took the degree of A. M. in 1845, and graduated from the Medical Department in 1850, having pursued a full course in Medicine. He was honored by the degree of LL. D., by his Alma Mater, in 1871.

Dr. Doremus's enthusiasm for Science was instigated by the renowned Scientist, Dr. John W. Draper, whose assistant he was from 1843 to 1850, having full charge of the laboratory at the Medical College. It was during this period that Prof. Draper conducted his researches on Light, and made the first daguerreotypes of the human face. A collection of portraits dating from these early times, the handiwork of Dr. Doremus, attests the beauty of these early specimens in an art which has now become highly developed.

In 1847, he visited Europe, and studied Electro-Metallurgy, particularly in Paris; and learned the details of the art of electro-plating at renowned establishments. He was at this time given the option of studying under Liebig, in Germany, or continuing with his work in New York, and elected the latter, since as Dr. Draper's only student and sole assistant, he had greater advantages than he could get abroad.

In 1848, associated with Mr. Charles Townsend Harris, he equipped a chemical laboratory in New York. Here he delivered lectures to the students of the College of Pharmacy, having been elected Professor of Chemistry in 1849.

In 1850, in conjunction with a number of distinguished physicians, he became one of the founders of the New York Medical College. He equipped a chemical laboratory, which was the first in this country in which Medical students could, and were required to study Chemistry practically. In addition to the lectures delivered to the Medical classes, Dr. Doremus lectured to the students of the College of Pharmacy, holding evening sessions for the purpose. It was here that he began his career as a public lecturer. His wonderful command of language, his splendid Classical training, and wide knowledge of literature, his complete mastery of the scientific part of the discourse, and his ability to speak extemporaneously, enabled him to hold his audiences spell-bound. When one considers the influence of the Lyceum in the 50's and nearly 60's one can under-

stand how lectures, possessing such intrinsic merit would have additional charm given them when illustrated, as they were, with brilliant scientific experiments. Dr. Doremus was a believer in suiting experiments to the character of the lecture. The most delicate and refined apparatus was employed when occasion required it; but when experiments were presented before large audiences he chose those which would impress the points which he desired to make, and performed them with apparatus of such size that each person present could witness and appreciate them. A lecture given on Light, in 1855, at the New York Academy of Music, for the benefit of St. Ann's Church for the Deaf-Mutes, is vividly remembered today by those now living who attended it. Daguerreotypes were taken of the occupants of the proscenium boxes, by the aid of an arc light, the current being supplied by a large Voltaic battery. An induction coil giving a spark of six inches, an instrument just constructed by Ritchie, of Boston, which far surpassed any made by the renowned Ruhmkorff, of Paris, at that date, was employed in showing the beautiful effects of electricity in rarefied gases. It was also used to ignite the gas issuing from the many gas jets of two large candleabra, a method of igniting gas now so largely practiced, especially in public buildings. The exceptional character of this lecture can also be judged from the fact that the auditorium which was crowded to overflowing, remained so until nearly midnight. For the benefit of the Deaf-Mutes the lecture was translated into the sign language by the Rev. Thomas B. Gallaudet, their pastor.

Reared in a highly religious atmosphere, yet an enthusiast for science, Dr. Doremus conceived the idea that the wonderful discoveries in Astronomy, Geology, Chemistry and Physics were in harmony with the poetical Mosaic account of the Creation. He gave a series of lectures expounding these views, and repeated these lectures in various cities, during a number of years. He made them the more forcible by the use of experiments of the most convincing character, selecting them from the newest and most important advances that were being made in science, and it is remarkable to compare the experimental illustrations of the first course with those of each succeeding course up

to the last, and to find how predictions of science were little by little fulfilled by the discovery of new facts and phenomena. One illustration of this will suffice: He was enabled in the last lecture delivered on this topic to show liquid air, and the wonderful experiments that could be made with it; while in the early 50's only a few gases had been reduced to the liquid state.

When the building of the Young Men's Christian Association, which stood until recently on the corner of 23d street and 4th avenue, was opened, Dr. Doremus gave a course of three lectures for its benefit. He also gave three lectures at the Brooklyn Academy of Music for the benefit of the Mercantile Library of that city, which yielded them a handsome fund. The Academy was hired for the entire week, the days between the three lectures being needed to remove the appartus used, at the preceding, and to prepare that required for the succeeding lecture. The illustrations were of size adequate to that of the auditorium. The electrical experiments were particularly brilliant, being made with the battery of five hundred Bunsen cells, each of a gallon and a third capacity, loaned by the College of the City of New York for the occasion. This was the largest battery at that date, 1865, and experiments made with it created a sensation hard to realize by those who are familiar with the present universal use of the electric current.

Dr. Doremus delivered three courses of lectures at Chatauqua, New York. The first of these was given in an open grove to an audience of ten thousand; while the two others were delivered in the large auditorium, practcially in the open air, which was subsequently constructed in the Assembly grounds. These lectures were also fully illustrated with brilliant experiments.

Dr. Doremus was instrumental in founding the Long Island Hospital Medical College, in 1858-9, and the Bellevue Hospital Medical College, in 1861, being elected to the Chair of Chemistry and Toxicology in each case. He equipped chemical laboratories in each institution, and contended vigorously for compulsory laboratory practice as an essential in medical education. For over Fifty years Dr. Doremus was intimately identified with medical education in this country. The classes attending the New York

schools with which he was connected were very large, and made up of men who came from every State to avail themselves of the facilities offered them. His influence as a teacher was therefore wide-spread, and since he was trained as a practitioner in medicine, his presentation of the subject of chemistry was especially directed to the needs of students of Medicine.

In 1855, Dr. Doremus was requested by District Attorney Waterbury to make a toxicological analysis of the remains of the wife of James Stephens, who had been arrested, and placed in the Tombs on accusation of having poisoned his wife. Dr. Doremus declined to undertake the case unless the most radical departures in the methods of conducting such analyses were made. He insisted upon having a special laboratory with a dissecting room; new apparatus, and especially purified chemicals, the assistance of a co-worker, who could also testify, and that the analysis should be conducted under lock and seal, and that adequate compensation should be made for such expert service. All these demands were acceded to. Poison was found. Stephens was convicted and hanged, and the trial became indeed, a Cause Celebre. Incidentally, an analysis of the entire body of another woman, who had died as the result of an accident, was made, in order to refute any contention which it was said the defence would advance, that arsenic, the poison found in Mrs. Stephens' body, was a normal constituent of every human body. No arsenic was detected in this cadaver. In addition to this, the earth of the cemetery about the grave was analyzed, the coffin, its linings, and its furnishings, without the detection of arsenic in any part. No other case of poisoning came before the Courts of this City in such a way as to attract public attention until after the lapse of thirty years. But Dr. Doremus's fame as a toxicologist had been estabilshed, and he repeatedly appeared in the prosecution of cases of suspected murder by poison in New York and adjacent States. He was instrumental in making additions to analytical and other methods, and devised a modification of what is known as the "Marsh test" for detecting arsenic. Dr. Doremus was also able to secure the passage of a statute whereby the coroners can secure the services of experts not only for

chemical questions, but also for the investigation of all types of accidents involving the loss of human life. He was President of the Medico-Legal Society for one term, and its Chemist for many years, and has written a number of articles on Medico-Legal subjects in various journals. He has also frequently testified in the Courts concerning forgeries, falsification of documents, and other matters in which chemistry facilitates the detection of crime.

Soon after the foundation of the Free Academy, Dr. Doremus was, in 1853, appointed to the Professorship of Natural History in that institution. His lectures, particularly on Physiology, are remembered with pleasure by the thousands of young men, now many of them grey-haired citizens, who attended the Free Academy up to the year 1861, when Dr. Doremus resigned, in order to visit Europe and perfect an invention, which was that of the reduction of granulated gunpowder in bulk and into cartridges by compression. A powder manufactory in France was placed at his disposal by order of the French Government, and after about a year's work, experiments made before the Emperor Napoleon III, and his renowned generals, resulted in the adoption of the invention by the French Government. It was subsequently adapted for use in the Chassepot, and the Mitrailleuse, which arms played such an important role in the events of the Franco-Prussian War. The superiority of the compressed cartridges, which were also made waterproof, over that of ordinary gunpowder led to their being used in the blasting operations conducted at the Mont Cenis tunnel, which was eight miles in length, and was the greatest engineering project of the period. This compressed gunpowder was also used in mining operations in France, Belgium and elsewhere. Experiments made at West Point previous to Dr. Doremus's departure for Europe had resulted in the adoption of his invention by the prominent powder manufacturers of the United States, under the approval of the Government, and large quantities of this powder were manufactured and used in the Civil War, and the period which followed it.

Before his return from Europe Dr. Doremus was invited by the Faculty of the Free Academy to accept the Chair of

Chemistry and Physics, vacated by Professor Wolcott Gibbs, who had accepted a call to Harvard University. The conditions of his acceptance were that a suitable laboratory for the practical instruction of students should be provided, the Academy, and most American Colleges, not possessing at that date, 1863, what was considered as an essential in European institutions, many of which he had visited, and studied; that apparatus for the illustration of science in its newest developments should be provided; that a work shop and a mechanician should be placed at his disposal, so that new apparatus should be constructed and repairs when necessary, be quickly made; that he should have an adequate staff of assistants; and that the salaries of all the Professors should be raised, since those existing at that time were inadequate, and he was unwilling to have his own fixed at a figure higher than that of any of his colleagues. Many of these conditions were complied with at once. Soon after his acceptance of the Professorship the name of the institution was changed to that of The College of the City of New York; but the fulfilment of the promise of a laboratory was postponed for twenty years—a great misfortune, since during that period the most wonderful advances were made in Europe and in this country in the discoveries and teachings of chemistry. However, when a laboratory was finally built as an annex to the College building at the corner of 23d street and Lexington avenue, it proved to be the best of its day in this city; and provided for instruction both in chemistry and in physics. The laboratory work in the latter was the first of its kind in this city, and in it the students were made acquainted particularly with the rapid development that was being made in electricity. Many of the prominent electrical engineers of today were stimulated to undertake the study of this science by the enthusiastic and lucid presentation of this subject by Dr. Doremus.

When finally the city decided to erect new buildings, now in course of construction at St. Nicholas Terrace and 140th street, Dr. Doremus's persistent efforts to secure facilities for the proper teaching of chemistry in this city, and in an institution of this character, were realized; and the Chemical Building which forms one of the group of buildings

which will be such an ornament to the city will owe its inception to this progressive citizen and teacher.

Dr. Doremus retired from the active teaching force in 1903, after half a century of arduous work in connection with this Professorship. As it was the function of this institution to provide free instruction of a collegiate grade thousands of young men have been under his tutelage. He appealed particularly to the youngest class because he believed that the mind was susceptible at that age of receiving, and being benefitted by the instruction in the sciences; and because, too, the greater number of the young men who entered the College were unable to pursue its course for more than a year or two.

Citizens in every walk of life will attest to his wonderful influence as a teacher, the charm of his personality, and his inspiring influence.

While his multifarious duties prevented his applying himself to the writing of books, he was a constant contributor to the daily press, to the magazines and scientific journals. He was the Editor-in-Chief to the Department of Chemistry, of the Standard Dictionary. He was a writer of poetry, both serious and humorous, and frequently embellished an after-dinner speech with original verses, so that he became famous for his post prandial efforts. He was a voluminous letter writer, corresponding up to the very last with many friends, both here and abroad, men and women of eminence in every profession. An idea of his style and of his alertness of mind up to his last moments can be gained from a reminiscent article on Booth and Ole Bull in the Critic of March, 1906.

Dr. Doremus took the keenest interest in everything pertaining to the welfare of his native city; as it grew he endeavored on every occasion to call the attention of the public to those applications of science which would be of benefit to the community. In 1853, he showed how much of the soda water sold was of poisonous character because of the presence of salts of copper and of lead, derived from the apparatus for holding and dispensing this beverage; and his expose of conditions led to the adoption of the glass lined holders, and the tin coils and other apparatus now in use.

In 1865, at the instigation of Mayor Gunther he successfully applied great volumes of chlorine gas in the disinfection of the steam vessel "Atalanta," which arrived at this port with an epidemic of cholera—sixty of the ship's company had died, and been cast overboard. This method of disinfection has since, though in a modified form, been carried out, entirely superseding the forty day detention at Quarantine, previously practiced. This is a most important matter for a commercial port like New York.

Dr. Doremus was a believer in the possibility of thoroughly disinfecting hospitals or dwellings and he proved at Bellevue Hospital and elsewhere that infected wards could be thoroughly disinfected by the use of chemicals, especially in gaseous form, since in that state they would penetrate the very walls. In one disinfecting tour in Bellevue over three tons of chlorine gas were liberated and septicemia effectually destroyed.

Working with physicians, of whom Dr. Valentine Mott was the head, he served with the Medical Advisory Commission, which established the present Board of Health.

He took occasion to combat the methods used for detecting the adulteration of milk, and claimed that the proper supervision of the milk supply could only be carried out through the aid of chemical analysis. The growth of the Bureau of Chemistry, of the Board of Health, has been in part due to his public discussion of the need of such a bureau.

In 1884, on invitation of the National Society of Architects, he delivered an address on the value of melted paraffine, for the preservation of building material against disinegration by frost. Subsequently, when the Obelisk in Central Park began to show serious decay he was consulted by the Park Commissioners to suggest a method for its preservation. It was under their authorization, and at his instigation that the Obelisk was successfully preserved by the use of melted paraffine wax.

He was appointed president of the Board of Examiners of Druggists and Prescription Clerks, holding that office until a change in the statute placed it in the hands of the Board of Pharmacy.

Dr. Doremus advocated in the most public manner, and very persistently, the use of chemicals to render scenery

costumes, house-furnishings and the wood work of buildings uninflammable by the use of chemicals.

He was a strong advocate of the application of modern methods of filtration of the City Water supply for the removal not only of sediment, but the germs of disease.

He constantly advocated the application of artificial refrigeration for the cooling of the air of dwellings and public buildings, and the removal of humidity therefrom in oppressive weather; and he deplored to the day of his death that the hospitals of this great city were unable to provide against the depressing effects of excessive moisture or of heat; while he rejoiced that methods had been adopted for cooling and drying the air at the Stock Exchange, and other large business buildings.

Dr. Doremus pursued an active practice in almost every branch of Chemistry. His clear and concise statement of facts led to his being constantly called as an expert in Patent causes. He was also frequently consulted for making improvements in manufacturing operations, and took out patents for different inventions, notably one for the use of liquified carbonic gas for the extinguishing of fires on shipboard, in storehouses and other buildings.

Dr. Doremus had a great love for music, and made it his recreation. As a young man he possessed a fine tenor voice. He was a thorough musician, and with a number of young men friends formed a club for brass instruments, under the leadership of the celebrated Allen Dodworth, as its musical instructor. He chose the cornet as an instrument for himself, and became a skilled soloist. He was invited to be the President of the Philharmonic Society, in 1867, and was twice re-elected its President. He accepted on condition that it would double its orchestra, making it one hundred strong; and during the three years of his incumbency placed it on the footing which it has today, by raising it greatly in public favor. The Society honored him by a serenade on his return from Europe on one occasion, a thing rendered possible by the fact that his residence was one of the houses which occupied the block between 18th and 19th streets, on Fourth avenue, each house having a large garden in front of it. It was here that for many years he and his charming wife dispensed a generous hospitality.

Men prominent in every walk of life were made at home; the kindly expressions of friendship did not end there, he was ever ready to promote the interests of professional men and women, actors, musicians and artists, in every way in his power.

The loss of his beautiful and brilliant wife, in 1905, brought to him a deep and abiding sorrow. They had had eight children born to them. He is survived by one daughter, and sons: Dr. Charles A. and Messrs. Thomas C. and Arthur L. Doremus.

TRIBUTES TO PROF. DOREMUS.

In sending out the notices I had asked our fellows and Prof. Doremus's personal friends, who were unable to be present at the Memorial Exercises, to send brief tributes to go into our transactions as to his life and career.

The following are among those sent:

University Heights,
New York, April 11, 1906.

Dr. Clark Bell,
39 Broadway, New York City.

Dear Sir:

An official duty will prevent my accepting your kind invitation to be present at the April meeting of the Medico-Legal Society, which is to be made a memorial to ex-President Professor Doremus.

He was the ranking alumnus of the College of Arts of New York University among physicians, having taken his Bachelor of Arts sixty-four years ago. He was first in seniority among all our alumni with three exceptions, of whom two are clergymen and one a lawyer. He stood near the head of the alumni in our Medical College also, having taken his degree of Doctor of Medicine fifty-five years since. I know of no professor of Medicine upon the roll of the consolidated Faculty of the University and Bellevue Hospital Medical College whose appointment outranked that of Professor Doremus. He was inaugurated Professor of Chemistry and Toxicology forty-five years since.

It has been my good fortune to know Dr. Doremus chiefly in two relations:

First, As a cordial, strong, enthusiastic friend not only of his Alma Mater, but of higher education and of scientific achievement as one of the great interests of the community and of mankind.

Second, As a public spirited, laborious citizen, who kept in touch with his fellow-men in many ways outside of his chosen profession. The closing of his long life removes one of the personages who impressed me upon my beginning work in this city more than a score of years since, as an interesting, notable representative of the older New York.

Very truly yours,

HENRY MITCHELL MACCRACKEN.

Hartford, Conn., April 12, 1906.

Prof. R. Ogden Doremus was a rare man in many ways. He was thoroughly human, and loved his kind and race. He lived in the broad sense. The journey of life was not a dreary struggle for a special prize, or a continuous battle with opposing forces, but rather a joyous sunny sail, or excursion in which he enjoyed every day,

with the harmonies of life as well as the mellow sunshine of friendship and congenial spirits. His profession kept him in touch with the invisible and the mighty forces which can be unraveled in the laboratory. This was a keen pleasure to him. It was hunting with the prospect of bringing down game, of mastering secrets and verifying them. As the voyage went on the horizon widened, and he grew richer in experiences which softened the harshness of the journey. There were tempests, there were head winds, cloudbursts and hurricanes, but he rode them out calm and serene, and as he neared the end of life the sun was brighter, and his sympathies deeper and joy broader. He made a good voyage, he carried a large cargo, and landed it safely and left the world better and brighter for his journey. He sowed many seeds that have sprung up bearing fruit and others yet germinating. We dip the flag of welcome and rejoicing, as R. Ogden Doremus disappears in the mists surrounding death. A strong whole souled man has crossed our pathway and we are better for having known him and his magnetic personality.

T. D. CROTHERS, M. D.

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812 Lexington Avenue.

My Dear Mr. Bell:

In thanking you for the compliment of an invitation to the dinner of the Medico-Legal Society on the 18th, at the Hotel St. Andrews, I regret to say that my health will not permit me to enjoy your hospitality. I should like to be present, especially because a long intimacy with the late Dr. Doremus would not only qualify, but also require me to bear my tribute with those of the fellows of your Society to his memory.

It was an education to enjoy friendly intercourse with Dr. Doremus. His studies, observation, experiments and life as a teacher so confirmed his knowledge on scientific subjects that the discussion of any topic in any way cognate brought out from the professor a wealth of knowledge that not only entertained his hearer, but left with him lasting memories never to be forgotten.

The absence of pedantry or the assumption of superiority in any direction above his hearer, must have impressed every one who ever talked with him—this natural respect for his fellowman, no doubt, grew out of sympathy, good humor and the perfect self-control that seemed to govern him. In a friendship of thirty years of city life during which I have sometimes seen him sorely tried I found him more inclined to defend than to condemn; his sense of indignation seemed always tempered with his sympathy for human infirmities in others. I am very truly yours,

HORACE B. FRY.

Hon. Clark Bell,
New York, April 13, 1906.

New York, April 14th, 1906.

My Dear Mr. Bell:

I fully and heartily concur with your estimate of the high character and brilliant accomplishments of our deceased friend, Professor R. Ogden Doremus. I knew him well for forty years, and appreciate the great value of his services to the City of New York and to the world. His career was a most admirable one, and his labors have produced results which will be of great advantage during the centuries to come.

Yours most cordially,

SMITH ELY.

339 West Twenty-ninth Street,
April 16th, 1906.

Clark Bell, Esq.,
President of the Medico-Legal Society.

Dear Sir:—

I thank you heartily for your kind invitation to attend the meeting of the Medico-Legal Society, on the evening of the 18th inst., and I regret very much that I shall not be able to be present. I could not speak for the Faculty (of the City College), as I have not been authorized to represent it. The Faculty expressed its appreciation of the late Professor Doremus in a resolution or minute which was published in several newspapers on the day of the funeral.

Dr. R. Ogden Doremus was appointed Professor Natural History, Physiology and Hygiene, in July, 1852, and delivered his first course of lectures in the winter term, 1852-53, to my class. In this course of twenty lectures the Professor gave us a systematic exposition of the structure of the human body and of its functions with valuable hints on the preservation of health and the increase of strength. To what extent such lectures were given and to what extent they were illustrated at that time outside medical colleges I do not know; but much of what the Professor said was demonstrated on the skeleton and the manikin and, at his suggestion, many of the young students undertook to dissect animal hearts and eyes. I believe that what this class learned over fifty years ago, fact and method, they have always remembered. The Professor was so forceful and persuasive then as he was at all times during his long brilliant and useful career as a teacher. In the winter of 1854-55 my class again listened to Professor Doremus, this time on Geology. Of course, the most economical lecturer could not present in twenty hours what Lyell or Dana presented in a large volums; yet the class got such knowledge of the history of geological theory and of the important facts of geology and paleontology that they could go through life with a sympathetic, though unprofessional, comprehension of the science and the aims and achievements of its modern cultivators.

In 1863, the chair of Chemistry and Physics in our college became vacant and Professor Doremus was transferred to it. Of his forty years' work in this department I have no direct personal knowledge, and many members of your Society, who were the Professor's pupils, can speak of it more appropriately than I can. What always seemed most remarkable to his colleagues was the great interest he took in the youngest students. He was accustomed to address great audiences of men and women, he was accustomed to lecture to the students of medical colleges; he took equally great delight in addressing, not only Juniors and Seniors, but Sub-Freshmen. And these his youngest hearers, so the uniform testimony is, took great delight in listening to their eloquent teacher, whose speech was brilliant even as the phosphorus he burned in oxygen or the electric light he exhibited to them with prophetic assurance of its general utilization. The Professor was, as the members of the Medico-Legal Society know, always fully alive, and always interesting, and he infused interest and life into his lectures and his hearers.

It remains for me to say a word of Professor Doremus as a member of our College Faculty, although to all who knew him it must be a word of supererogation. He was a good citizen of the republic of letters, as well as of the political commonwealth. While he urged vigorously the importance of the sciences which he had been appointed to represent, he did not undervalue the importance of other knowledge, and he stood, at all times, loyally for the college as a whole. Need I say that his speech and action in the Faculty were courteous, courageous and honest? Need I add that his attitude to his associates, many of them once his pupils and, towards the close, all his juniors in years and experience, was marked by the same

manliness, urbanity and cordiality, which together with his never falling animation gave his conversation the charm that delighted all who came in contact with him?

But I am only one of the host of admirers and I must close.

I have the honor to be with great regard

Sincerely yours,

ADOLPH WERNER.

Battery Park Building, 21 State Street,

New York, April 16, 1906.

Clark Bell, Esq.,
President Medico-Legal Society, 39 Broadway.

Dear Sir:

The death of my dear friend, Professor Doremus, removes from our midst an interesting and conspicuous figure. When, in 1852, I entered the Freshman Class of what is now the College of the City of New York, he and Wolcott Gibbs were the two scientific members of the Faculty. By a very interesting coincidence, they long survived all the other members of the Faculty, and now Dr. Gibbs has become the sole survivor.

Professor Doremus was always a delightful personage to me. His whole personality inspired the student with his own love of science, and gave a charm and attraction to the studies which made them really a part of our life. He was, perhaps, the most brilliant experimentalist in this country, and had in a remarkable degree the art of clear statement which is so necessary to the Professor and so helpful to the student. Above all, the nobility of the man, the lofty tone which he infused into his instruction, the high standard that he maintained before us, could not fail to enlighten and ennoble the conscience and the heart. The influence of such a man, like the soul itself, is immortal. I count it indeed a privilege that it came into my life at an early day, and has never passed from it.

Yours very truly,

EVERETT P. WHEELER.

New York, April 16, 1906.

Mr. Clark Bell, 39 Broadway, City.

My Dear Mr. Bell:

I knew Dr. Doremus quite well, having been associated with him in lexicographic work, and knew him to be a man of rare scientific knowledge along the lines of his specialties, and of a compelling conscience. All the work that he did was most conscientious and thorough. He was one of those men that the world can ill afford to lose.

You know we are told that if there had been five righteous men under Sodom and Gomorrah that whole region would have been kept from sinking. The most potent pillar of society, or of the state, is an honest man. Dr. Doremus was not only an honest man, but a man well equipped in scientific knowledge.

Yours very truly,

I. K. FUNK.

Paterson, N. J., April 17, 1906.

Clark Bell, Esq., 39 Broadway, New York City.

Dear Mr. Bell:

I enclose herewith two brief notes on the late Professor Robert Ogden Doremus, in accordance with your request of last Friday. I have never seen anywhere any reference to Professor Draper's researches in the X-ray line. The volume which Professor Doremus showed me was issued in a very limited edition, he told me, of not more than one hundred copies, I think, and perhaps only fifty. I think he showed it to me at the University.

Very truly yours,

WILLIAM NELSON.

ENCLOSURE.

Professor Robert Ogden Doremus was of Jersey Dutch stock; his father, Thomas C. Doremus, having been born near Montville, Morris County. His original American ancestor was Cornelius Doremus, who came to this country in 1685, settling in what is now the City of Paterson. Professor Doremus in his early days often delighted in visiting his cousins in Paterson. A visit of his in Paterson of more than family interest, was when he appeared as an expert witness in behalf of the State on the trial of Libbie Garrabrant for poisoning Ranson Burroughs, in the winter of 1871-2. The prisoner, a girl of seventeen, was accused of administering arsenic to an old man with whom she had been living as housekeeper. Professor Doremus's evidence, given before the Court and jury, in a crowded court room, seemed like a brilliant lecture on chemistry, as he demonstrated before his entranced audience the manner in which he deducted step by step the irresistible conclusion that the deceased had died from arsenic poisoning, illustrating his several points by experiments. The prisoner was convicted and sentenced to be hanged, but on account of her youth the sentence was commuted to imprisonment for life, and a few months ago she was released on parole. When the world's attention was first called to Roentgen's discovery of the X-ray, Professor Doremus showed the writer a volume, printed about 1845, by the late Professor John W. Draper, in which the latter had set out the results of several thousand experiments which he had made in physics, among them being one in which he had shown how light could pass through an opaque object. At this time Professor Doremus was an assistant to Professor Draper in the Medical Department of the University of New York, and had participated in many of these experiments, particularly in the one to which reference has just been made. He regarded this as an anticipation of Professor Roentgen's discovery, but, of course, recognized that Professor Roentgen was entitled to honor as the original discoverer, because he had made practical use of his researches in this line, where Professor Draper had not.

WILLIAM NELSON.

Paterson, N. J.

The mention of Prof. John W. Draper's name brought out a letter from Professor Draper, written May 3, 1849, to J. E. Smith, President of a New Jersey Zinc Co., in behalf of young R. Ogden Doremus at the middle of the last century, which was passed around the table at the dinner:

University of New York, May 3, 1849.

Sir:—Your letter of May 1st, respecting Mr. Doremus has only just reached me.

Mr. Doremus has been with me for several years, having had entire charge of my laboratory. Of the numerous pupils I have instructed there is not one in whose behalf I could say as much as for him. Indeed for a long time past I have entirely relied on him for all my practical operations. It may also be proper for me to add that in addition to his professional knowledge of chemistry he possesses a quality difficult to find and what has been of the utmost value to me —extreme punctuality in his dispatch of business.

If he engages in the undertaking you refer to he would discharge the duties incident to it in a way creditable to himself and to the satisfaction of those concerned.

Yours truly,

JNO. W. DRAPER.

J. E. Smith, Esq., 22 John Street.
(President New Jersey Zinc Co.)

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66 West 109th Street,
New York, April 17th, 1906.

My Dear Mr. Bell:

I am sorry that my health, which is not very good just at present, prevents my being with you tomorrow evening to assist in in honoring the memory of the late Professor Doremus. I knew him for many years. He was a man of most estimable qualities, a true type of an American gentleman and a genius in his profession. His death was a grevious loss, and one that will not be filled in a long time.

Very sincerely yours,

WILSON MACDONALD.

Mr. G. H. Crawford, of the Bar of New York, made the following address:

DR. DOREMUS AN APPRECIATION.

The best eulogy of a man is the record of his work. Some men make a record by writing books, and no one was better able to write books than Dr. Doremus. He chose, however, to make his record in another way. He was a busy man and his working day used to begin at 8 o'clock and would last, frequently, far into the evening. It was more in keeping with his energetic character to do things than to write about what other men had done. He won distinction as an investigator, a discoverer, a lecturer and a teacher, and, incidentally was a musician, a patron of art, a man of the world, a brilliant figure in society, and a genial and entertaining companion among men who were simply seeking to have a good time and to enjoy themselves.

Few men have gotten so much enjoyment out of life as Dr. Doremus, because it was his natural disposition to find pleasure in everything that he did, and the good old rule that the best way to be happy is to make other people happy, was a rule that he worked under all his life. I doubt if he ever lived a day without an effort to brighten the lot of some one; it might be a member of his family, a friend, a student or a mere stranger.

One trifling personal reminiscence may perhaps be pardoned: The first opportunity I ever had to hear a great orchestra came to me when I was a student at the City College, in the form of a ticket from Dr. Doremus to a rehearsal of the Philharmonic Society, of which he was then President, and the great Carl Bergman conductor. This distribution of tickets among his students was a feature of Dr. Doremus's administration as President of the Philharmonic Society.

Dr. Doremus was a professor in the College of the City of New York for something over fifty years and his long and distinguished scientific career was shaped and modified, not to say hampered, by this relation. It is coming to be generally believed by American colleges that too much in the way of personal instruction is required of men like Dr. Doremus; that is to say, it would have been better for the College, as well as for the scientific world if more leisure had been allowed to Dr. Doremus for the original investigations in which he displayed so much fertility of invention. You may remember that he spent many years in close association, first as student and afterwards as assistant, with the great John W. Draper, who is believed by many to have been the foremost scientific man of the first class this country has ever produced. This long association with a man of genius gave vigor and direction to the studies of Dr. Doremus. It should not be forgotten either that in his early manhood he listened to the lectures of the famous Michael Faraday, who, in historical perspective begins to loom up as the greatest scientific figure in England in the 19th century, next to Charles Darwin. Yet Dr. Doremus's methods as an instructor were not borrowed from Dr. Draper or Mr. Faraday, but were peculiar to himself.

I recall some persons who found fault with him for what they called the discursive character of his lectures. These critics seemed to think that teaching Chemistry was like writing a dictionary, and that you should begin with A and stick to A until you had finished it before you took up B; but Dr. Doremus protested against this method; because, as he said, in science the latest discoveries should be referred to as they burst upon the world, and it was his duty to give instruction to students as nearly abreast with the passing moment as possible. In his discursiveness, however, there was always a system. The parts of the subect which he brought together might seem, at a hasty glance, to be unrelated, but the fact that there was a relation soon became manifest upon hearing his wonderfully lucid explanations.

Another remarkable feature of his lectures was the fact that his experiments were always successful. There was another famous professor of Chemistry, not now living, with whom Dr. Doremus was sometimes compared in a friendly way. This gentleman was a man of great learning and ability, but when he offered to make an experimental demonstration, it happened frequently that the experiment didn't work and so there was no demonstration, whereupon the professor would say: "Well, it didn't do so and so, but it ought to have done so." Dr. Doremus never had occasion to make such an apology because what he said would happen always did happen just as he said it would. This was not a matter of good fortune, but was due to immense pains and labor in preparation. It was his custom to spend many hours in the evening preparing for experiments to be performed before his classes on the following day. In the whole course of his long life of experimental research, I do not believe that he ever met with a serious accident himself, and I think it is a fact that no serious accident ever happened to any other person in his laboratory except on two or three occasions when his explicit warnings were disregarded.

The Doctor was an optimist. His digestion was good, his conscience was clear. The world was a very pleasant one from his stand point. He took a lively interest in whatever was going on and

maintained this interest until the very last. The famous remark ascribed to Dr. Osler, would have no application to Dr. Doremus, for long after he had passed three score and ten, his mind displayed an activity and fertility that would have been remarkable in a man of 30.

Dr. Doremus was a man of polished manners, who respected the conventions of society and his diction, however much in earnest he might be, was, though forcible, always restrained and always elegant. Yet he had none of the characteristics of a weak man. He was a valiant fighter when fighting was necessary, but after the contest was over, no combatant could be more magnanimous than he and none was more ready to forget and forgive whatever might have been said or done in the heat of battle.

I am not able to give the statistics of his scientific achievements, nor to tell you how many thousand young men heard his lectures in the College of the City of New York and in the Bellevue Hospital Medical College, but I am prepared to say that on every one of these thousands he made a deep and ineffaceable impression. Behind the pungent statement of a principle, there was his virile personality to drive the truth home into the hearer's understanding, who could never forget that erect figure, that flashing eye and upraised arm and the tones of that musical yet masculine voice, which compelled attention.

I know, from conversations with Dr. Doremus, occurring many years ago, that his ideas on the subject of education were then far in advance of the times and I know that those ideas are now recognized as elementary by educators all over the United States. More than fifty years ago Dr. Doremus advocated the method of teaching Chemistry and Physics, which is now generally adopted not only in colleges, but even in the better class of high schools throughout this country. I mean the system of teaching those sciences in practical laboratories, where every student is furnished with his own apparatus and is required to work out with his own hands the scientific tasks which are set before him. Today you find these practical laboratories in every college in the country and in almost every high school. Dr. Doremus had one in the Bellevue Hospital Medical College fifty-six years ago and in the College of the City of New York more than twenty years ago. His Medical College students laboratory, was, I believe, the first of its kind in the United States.

He was an ardent believer in the educational value of science upon the mind of the young. I recall a few sentences from a lecture delivered by him many years ago, in which he said something like this. "The human mind is adapted to discover and acquire truth. It thrives best upon truth. The child's mind craves truth and those who dispute the educating value of natural science, give instead, some story from Greek or Roman mythology; the child asks for truth and they give him a fable."

He was an ardent believer in the development of the mind by the process of observing facts and by inductive generalization therefrom. He used to say: "Can you see the facts which are passing before your eyes? Can you draw correct conclusions from those facts? If you can, you are educated. If you can not, you are not educated."

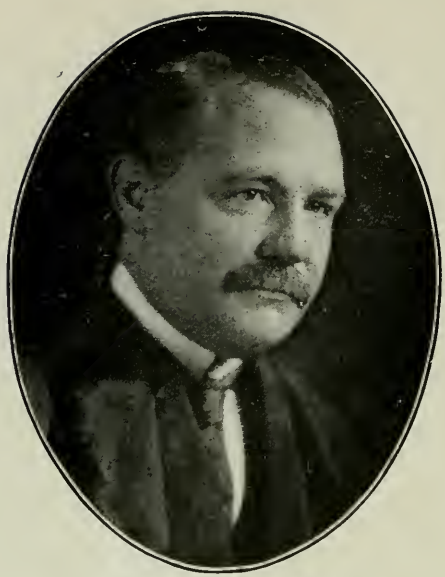
Dr. Doremus's life embraced a period of wonderful inventive activity. He said once that when he was examined for his degree in medicine, he was asked by one of the examiners, who was a prominent physician in this city, whether it was conceivable that the practice of medicine could ever be benefitted by the science of Chemistry, to which the youthful Galen, with prophetic voice, replied, that until medicine knelt at the shrine of Chemistry the healing art would go limping on one foot. The young doctor lived to

see the curriculum of medical schools enlarged from one year to four and to see about half that period taken up with the study of Chemistry and of derivative sciences, the very names of which had not been invented when he took his degree.

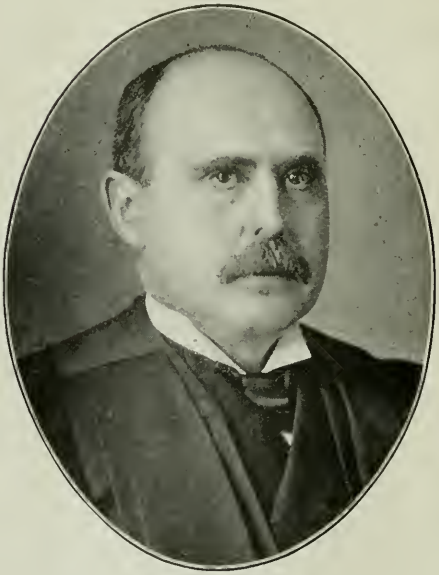
If Dr. Doremus had studied law he would have been a formidable competitor for a high place among advocates. He had the physical qualifications in a high degree and he had a quick apprehension for a point of law. The legal profession knew him well as a patent expert and this Society is especially familiar with his eminent services in cases of poisoning.

Fate has decreed that men must grow old and die and to this destiny no objection is heard in case of the idle, the selfish, the cruel and the malicious. But sometimes one wonders whether the Millenium would not be hastened a little if men like Robert Ogden Roremus, who never injured a fellow mortal, and who spent his life in good works, were allowed to remain with us forever invested with eternal youth.

G. H. CRAWFORD.



HON. EDWARD E. McCALL,
First District—City of New York.



HON. EDWARD W. HATCH,
Appellate Division—First Department.

JUSTICES OF THE NEW YORK SUPREME COURT.

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Supreme Court of New York.

BIOGRAPHICAL SKETCHES OF THE JUSTICES OF THE SUPREME COURT UNDER THE CONSTITUTION OF 1846.

(Second Judicial District.)

[*Continued from page 762, March Medico-Legal Journal, 1906.*]

HON. ERASTUS COOKE.

Hon. Erastus Cooke was elected to the Bench of the Supreme Court, Second District, March 3, 1880, and served a full term. I have been unable to find any data for a sketch of the history of the life and death of Judge Erastus Cooke.

BIOGRAPHIES OF THE JUSTICES OF THE NEW YORK SUPREME COURT OF THE THIRD JUDICIAL DISTRICT UNDER THE CONSTITUTION OF 1846.

HON. WILLIAM B. WRIGHT.

Hon. William B. Wright was elected Justice of the Supreme Court under the Constitution of 1846, for the Third Judicial District, from Monticello, N. Y., and drew the short term of two years. He was elected to the Court of Appeals.

His biography will be found with the Judges of that Court.

HON. IRA HARRIS.

Hon. Ira Harris was born in Charleston, Montgomery County, New York, May 31, 1800. He was elected one of the Justices of the Supreme Court, under the Constitution of 1846, and drew a four year's term. He was the eldest son of Frederick Waterman Harris and Lucy Hamilton, and was a brother of the Hon. Hamilton Harris, of Albany. He fitted for Union College, and was graduated with first honors from that College in 1824. He studied law under Augustus Donnelly, at Homer, and Chief Justice Ambrose Spencer, at Albany, was admitted to the Bar in 1827, commenced practice in Albany, associated with Salem Dutcher, and entered afterwards into a partnership with Julius Rhodes. He especially excelled in equity practice, and early took high rank as an equity lawyer. He was chosen a member of the Legislature in 1844, and served in

the Constitutional Convention in 1846. In 1846 he was elected State Senator, but resigned his seat in the Senate to become a Justice of the Supreme Court, and he was one of the first four Judges of that term, drawing a four years term from Albany County. At the expiration of his short term he was re-elected, in 1851, for a term of eight years, which he served. He held a fair rank on the Bench, displaying superior judicial qualities and stood high as a Judge in the estimation of the Bar and the public. In 1861 he was a candidate for the opposition as Senator of the United States against William M. Evarts and Horace Greeley, and was elected to represent New York in the Senate. In the Senate he served on the Committee on Foreign Relations, on the Judiciary, and on the management of the seceding States. He was an intimate and personal friend of President Lincoln, whom he supported in all the great measures of Mr. Lincoln's administration in that eventful period. He was always regarded as a fair and dispassionate man in his judgment although an ardent Republican. He voted against the effort to expel Senator Bright, of Indiana, charged with writing a treasonable letter to Jefferson Davis. He retired from the Senate in 1867. In 1867 he served in the New York Constitutional Convention. After his retirement from the Bench he served as a lecturer in the Albany Law School," with which he had been connected since 1850, and in the success of which he had shown a great interest, and the remainder of his life he devoted to the uplifting of the Albany Law School. He died in Albany, December 2, 1875.

HON. MALBONE WATSON.

Hon. Malbone Watson was elected a Justice of the Supreme Court, under the Constitution of 1846, and took his seat in 1847, drawing a six year's term, which he served

and was re-elected November 8, 1853, for a full term, but died on April 8, 1857. I have been unable to obtain data for a sketch of the history of his life or death.

HON. AMASA J. PARKER.

Hon. Amasa J. Parker was born in Sharon, Litchfield County, Connecticut, June 2, 1807. He was the son of Rev. Daniel Parker, who was for twenty years a pastor of the Congregational Church at Sharon. He was educated under the personal supervision of his father, who removed with his family to the State of New York, when the son was 9 years old. In 1823, he was appointed principal of Hudson Academy, New York, and in 1825 he graduated from Union College with the degree of A. B. He resigned from his position in the Hudson Academy in 1827 and commenced the study of law with Hon. John W. Edmonds. He completed his studies in the office of his uncle, Amasa Parker, at Delhi, Delaware County, N. Y., where he was admitted to practice in October, 1828, and became the partner of his uncle under the firm name of A. & A. J. Parker, which became one of the foremost and successful law firms in the State. When he was on the Bench he travelled in the circuits of Delaware, Greene, Ulster, Schoharie, Broome, Tioga and Tompkins Counties, and it was said of him that he tried more cases in the circuit courts than any lawyer of his age. In 1832 he was Surrogate of Delaware County. In 1833 he was appointed District Attorney, serving three years. In the same year he was elected to the State Assembly without opposition, and as a remarkable part of his career he was elected by the Legislature a member of the Board of Regents, on account of his scholarly attainments, being at that time the youngest member of the Board of Regents, and filled that position for ten years. In 1836

he was elected to the 25th Congress, serving from 1837 to 1839. He served in the Third Circuit from March 6, 1844, to the adoption of the Constitution of 1846, and removed to Albany, where he remained until his death. He was elected to the Bench of the Supreme Court as one of the first of the four Judges, June 14, 1847, and drew the full term of eight years, which he served, the last year of which he sat in the Court of Appeals, as was the custom of that time. In 1856 he ran for Governor of the State on the Democratic ticket against John A. King and polled 10,000 votes more than the electoral ticket, but was defeated. He ran again in 1858 against Edwin Dennison Morgan, and was again defeated. In 1867 he was elected a member of the convention for the revision of the State Constitution.

He with Judge Harris and Amos Dean founded the Albany Law School. Throughout his life he was thoroughly devoted to educational interests and connected with various institutions. The position of United States Attorney, for the Southern District of New York, was offered him, but declined. He edited the "Reports of the Decisions in Criminal Cases," from 1858 to 1877, and assisted in the compilation of the three volumes of the "Revised Statutes," 1859. He also prepared six volumes of Law Reports, 1855 to 1869, published at Albany. He died in Albany, May 13, 1890.

HON. AUSTIN MELVIN OSBORN.

Judge Osborn was born December 2, 1835, in Wyndham, Greene County, New York, and was the son of Henry Osborn and Sarah Loomis. He studied law with Danford R. Olney, at Uyndham, New York. He removed to Catskill in 1854. He was elected District Attorney of Greene County, in November, 1865, and served one term.

In 1870 he was appointed County Judge of Greene County by Governor Hoffman, to fill a vacancy, but was not re-elected.

He was appointed Justice of the Supreme Court by Governor Samuel J. Tilden, in 1875, in place of Theodore Miller, who went into the Court of Appeals, and at the election that fall he was elected to that position for the full term. His residence was at Catskill, New York.

The Green Bag says of Judge Osborn:

He died October, 1886, before the expiration of his term.

HON. GEORGE GOULD.

Hon. George Gould was elected to the Bench of the Supreme Court of the Third Judicial District, November 6, 1855, and served a full term. I have been unable to find any data for a sketch of his life.

HON. DEODATUS WRIGHT.

Hon. Deodatus Wright was appointed, April 20, 1857, to fill the vacancy caused by the death of Judge Malbone Watson and served the remainder of that term.

HON. HENRY HOGEBOOM.

I have been unable to find any sketch or data of the life or death of Hon. Henry Hogeboom.

BIOGRAPHIES OF THE JUDGES OF THE NEW YORK SUPREME COURT OF THE FOURTH JUDICIAL DISTRICT UNDER THE CONSTITUTION OF 1846.

HON. DANIEL CADY.

Hon. Daniel Cady was born in Chatham, New York, April 29, 1781. He was admitted to the Bar and practiced in Johnstown, and was a member of the Legislature from 1810 to 1813. In politics he was a Federalist, and was a member of Congress from 1814 to 1817, he was elected the first Justice of the State Supreme Court, under the Constitution of 1846, from Johnstown, Fulton County, N. Y., and drew a short term of two years. He was re-elected November 6, 1849, and served his full term to the end of 1855. He was a prominent lawyer, held a commanding position at the Bar and was influential in State and National politics. He died in Johnstown, N. Y., October 31, 1859.

HON. ALONZO C. PAIGE.

Hon. Alonzo Christopher Paige was born in Schaghticoke, Rensselaer County, N. Y., July 31, 1797; he graduated from Williams College, in 1812, and began studying for the ministry, shortly abandoned it, changing his views. He prosecuted his legal studies at Schenectady and was there admitted to the Bar, in 1819, and at once commenced to practice, giving considerable attention to political affairs, was elected for four years a member of the Legisla-

ture from the State of New York. He was made the Reporter of the Court of Chancery and was the author of 11 volumes of "Reports of Cases in the Court of Chancery," (1830 to 1848) of which four volumes were revised and annotated by him from 1856 to 1857. From 1837 to 1842 he was a member of the State Senate. He was elected to the Bench of Supreme Court under the Constitution of 1846, as one of the first Justices from Schenectady County and drew the short term of four years. He was re-elected November 6, 1855, to fill a vacancy and served for two years. His legal opinions are regarded by the profession as very able. He was an active member of the Constitutional Convention of 1867. He died at Schenectady, March 31, 1868.

HON. JOHN WILLARD.

Hon. John Willard was born in Guilford, Connecticut, May 20, 1792, and died in Saratoga Springs, N. Y., August 31, 1862. (His biography appears in the history of the Judges of the Court of Appeals.)

HON. AUGUSTUS C. HAND.

Hon. Augustus C. Hand was born, September 4, 1803, at Stoneham, Vermont. He obtained his legal education at Litchfield, Connecticut. After his admission to the Bar he moved to Elizabethtown, New York, and engaged in a successful practice. He was appointed Surrogate of Essex County, where he served a full term. His reputation steadily increased until he had came to be regarded as one of the most eminent jurists in that section of the State. From 1839 to 1841 he was a member of Congress, allied with the Democratic party. He was subsequently and in

1845 elected to the Senate of New York and served as Chairman of the Judiciary Committee. He was elected a Judge of the Supreme Court, under the Constitution of 1846, was one of the four original Judges and served a full term. He was a candidate for re-election, but was defeated by his political opponent. Retiring from the Bench he resumed the practice of the law and was one of the ablest men of the Bar at that time.

HON. RUFUS W. PECKHAM.

Hon. Rufus W. Peckham's biography appears in the history of the Judges of the Court of Appeals.

Also that of Hon. Theodore Miller, Charles R. Ingalls, William L. Learned.

HON. PETER S. DANFORTH.

Hon. Peter S. Danforth was appointed to the Bench of the Supreme Court, vice Judge Henry Hobebom, deceased. He died December 24, 1872.

HON. THEODORE R. WESTBROOK, LL. D.

Judge Westbrook was born at Fishkill, Dutchess County, New York, on November 20, 1822. He was a son of Rev. Cornelius Depew Westbrook, and his mother was Sarah Beekman. He was of English-Dutch and French Huguenot extraction. Both his grandfathers were officers in the Revolutionary Army. Egbert Dumont, the sheriff of Ulster County, before the Revolution, was his great uncle. His preliminary education was acquired at the Kingston Academy and Rutgers College Gramman School. He grad-

uated at Rutgers College, in 1838. He commenced practice at Kington, New York, where he was admitted to the Bar in 1843, and remained there until 1874. He held the office of Master in Chancery, and from 1853 to 1855 he served one term in Congress from Greene and Ulster District. He was elected Justice of the Supreme Court in November, 1873, and took his seat January 1, 1874. He received the degree of LL. D. from Rutgers College after his retirement from the Bench, and died October 6, 1885.

AMAZIAH BAILEY JAMES.

BY HIS SON, COL. EDWARD C. JAMES.

Amaziah Bailey James was born at Stephentown, Rensselaer County, New York, July 1st, 1812. He was the eldest son of Samuel B. James and Anna Bailey, his wife. He was named after his mother's father, Amaziah Bailey, of Nassau, Rensselaer County, who lived to the age of one hundred and three years, 1755 to 1858. His grandfather, Amos James, was a soldier of the Rhode Island Line during the Revolutionary War, and was descended from Dr. Thomas James, who was one of the twelve companions of Roger Williams, who settled the Providence Plantations, afterward the State of Rhode Island. At the conclusion of the Revolution Amos James, with other Rhode Island people, took up farms in Rensselaer County, New York, under the Patroon's leases.

About the year 1818, Samuel B. James, with his family, removed to Byron, Genesee County, New York. Here young James saw much of the Seneca Indians, and became a protege of the famous chief, Cornplanter, who frequently took him on long journeys through the great forests which then covered Western New York and Pennsylvania. In one of these expeditions they visited a creek from the

waters of which the Indians took up oil with their blankets. This was probably Oil Creek, Pa., or one of its tributaries. Petroleum was then called "Seneca Oil" and was valued for its medicinal qualities.

During the time spent with the Indians in the wilderness young James acquired that extensive knowledge of woodcraft which frequently astonished lawyers and witnesses in after years. He knew the lore of trees and brooks, of beasts and birds. In trials involving questions of wood-craft, such as disputed boundaries, where lines had been blazed through the forest, he would display an erudition in regard to the healing of bark-wounds and the age of tree-marks as accurate as it was surprising.

When he was fourteen years of age he began learning the trade of a printer, at Batavia, New York. He soon became proficient and, as a journeyman printer, worked at various places in the United States and Canada.

He grew to be a man of most powerful physique, six feet in height, weighing about one hundred and seventy-five pounds, and of extraordinary strength. He knew no fear and was always ready to fight for any cause which he espoused.

In 1831 he came to Ogdensburg, St. Lawrence County, New York, and, in the following year, began the publication of the "Northern Light," an anti-Masonic weekly paper. Soon after the name of this paper was changed to the "Times and Advertiser," and it became the leading Whig paper in the county.

In 1836 he was Captain of the Ogdensburg Artillery and afterward was promoted to be Major. At the time of the Patriot War, in Canada, he captured the notorious outlaw, William Johnson, who had been the terror of the border.

While publishing his newspaper at Ogdensburg, he studied law in the office of Hon. James G. Hopkins and was admitted to the Bar in 1838. He was very adroit and

successful as a lawyer and advocate and rose rapidly to a foremost place in his profession. He was an active and acute politician and became a leader of the Whig party in St. Lawrence County. He was opposed to slavery and especially to the extension of it into free territory. He was one of the organizers of the Republican party, and to him, in large part, is due the great majorty which has steadfastly adhered to that party in St. Lawrence County.

His first law partner was Britton A. Hill. A cause of disagreement soon arose between them. Both were of about the same age and size. It was decided that the affairs of the firm should be settled by "trial by battle," and that the defated party should leave Ogdensburg. The office doors were locked, with only the partners inside, and the next day Mr. Hill removed to St. Louis, Mo., where he rose to great eminence in his profession.

Mr. James' next law partner was William C. Brown. He was an accomplished lawyer. The firm of James & Brown soon led the Bar in St. Lawrence County, and for many years enjoyed a large and lucrative practice.

In 1851 Mr. James was the Whig candidate for Justice of the Supreme Court in the Fourth Judicial District, comprising eleven counties. Hon. Cornelius F. Allen, of Salem, Washington County, was the opposing candidate. The voting was so close that it was difficult to determine to whom the election belonged. In a number of ballots the name of Mr. Allen had been misspelt. This justified the declaration of Mr. James' election and the certificate was offered to him. But he declined to take such an advantage and insisted upon the issuing of the certificate to Judge Allen. Two years afterward, 1853, Mr. James was elected to the same office by an extraordinary majority.

For twenty-three years, 1854 to 1877, Judge James continued to hold the office of Justice of the Supreme Court. The term of office was then eight years, and during the

last year of each term the incumbent became, by virtue of his office, a Judge of the Court of Appeals. Judge James was re-elected in 1861 and again in 1869 by large majorities.

His judicial career was full of interest to the legal student. He was courteous, patient and keen. He could despatch court business with great expedition, to the satisfaction and frequent enjoyment of the Bar. He was notably kind to young lawyers and often helped them out of the meshes in which the elder and more adroit practitioners would entangle them.

As a printer he became familiar with everything relating to paper making and the character and quality of papers. Once a young lawyer was trying to prove a will to be a forgery, but was overwhelmed with adverse testimony. The Judge examined the will and asked the expert witness, who occupied the witness chair whether it was not written upon calendered paper? The witness said that it was, and, in reply to another question by the court, gave the date when that process had been invented. Having received the assurance of the perplexed counsel that they did not dispute the correctness of the answers, the Judge at once rejected the instrument, saying: "A will which is dated before the kind of paper on which it is written was invented, can't stand in this Court."

Judge James was an earnest advocate of legal reforms. One of his ablest opinions was written to establish the right of the husband and wife to be witnesses for each other. Marsh vs. Potter (30 Barbour, 506). His opinion in the case led to new legislation removing disabilities which had frequently caused a miscarriage of justice.

It will be impossible in the limits of this sketch to review the judicial career of Judge James, extending over twenty-three years. It is sufficient to say that it was marked throughout with an exhibition of every quality which goes to make up a great and good judge. The reports of the Supreme Court, from 1854 to 1877, and of the

Court of Appeals, during the years when he was one of its members, are the best monument to his judicial ability.

In 1861, before the outbreak of the War, Judge James was one of the Commissioners of the State of New York in the Peace Convention which assembled at Washington. He was opposed to any concessions which involved national dishonor, or the sacrifice of human rights. He felt that war was better than a shameful peace. History has justified his opinions.

When Hon. William A. Wheeler, of Malone, N. Y., who had represented the St. Lawrence and Franklin District in Congress for many years, was elected Vice-President of the United States in 1876, the people of those counties insisted that Judge James should take his place. He yielded to their wishes, resigning his judicial office and was elected to Congress by the largest majority ever given in that district to a congressional candidate. At the end of his term he was re-elected by a still larger majority. No better evidence could be given of the satisfaction of his constituency with his public service. During his second term he was stricken with paralysis. He survived the shock, but became an invalid and died at his home, in Ogdensburg, July 6th, 1883, in the seventy-first year of his age. He was buried in the family plot in Riverside Cemetery, near Ogdensburg.

December 8, 1836, Judge James, while engaged in his newspaper business and law studies at Ogdensburg, married Lucia W. Ripley, the eldest daughter of Captain Christopher Ripley, formerly of the United States Army, then residing at Ogdensburg. The Ripleys were a New England family from Wyndham, Connecticut. Mrs. James was seventh in descent from the famous Governor William Bradford, of Plymouth Colony, and connected with the Huntingtons, Lothrops, Backus, Hobarts, Masons and Richards, all distinguished families of New England.

The only children of this marriage were two sons, Henry Ripley James and Edward Christopher James. The former, born February 3, 1839, resided at Ogdensburg, where he established the "Daily Journal" and conducted a large printing business, with paper mills at Waddington on the St. Lawrence below Ogdensburg. He became a great political leader and was widely known as a brilliant speaker and an able politician. He died January 30, 1882, leaving a widow, a son and two daughters.

The younger son, Colonel Edward C. James, born May 1st, 1841, served in the War of the Rebellion, 1861-1863, first as Adjutant of the 50th New York Volunteer Engineers, next as Major of the 60th New York Volunteer Infantry, and finally as Colonel of the 106th New York Volunteer Infantry. When only twenty-one years of age he had command of a brigade. He resigned his commission in the Fall of 1863 because of disability incurred in the service. He was immediately afterward admitted to the Bar, for which he had prepared himself before the outbreak of the War, and began the practice of the law January 1, 1864, at Ogdensburg. In 1881, he opened law offices in New York, where he practiced his profession and became one of the ablest trial lawyers of the city until his death.

TRANSACTIONS.

MARCH MEETING, 1906.

PRESIDENCY OF CLARK BELL, ESQ., LL. D.

The Medico-Legal Society met at dinner on Wednesday, March 21st, at the Hotel St. Andrews, at 7 o'clock p. m., the President, Clark Bell, in the chair, with guests in attendance.

On the recommendation of the Executive Committee the following persons were elected members of the Society:

Active—R. Hudson Riley, 253 West 111th Street, New York City.

Psychological Section—John M. Cushman, Esq., Jamestown, N. Y.

The following Honorary and Corresponding members were elected, on recommendation of the President, Clark Bell, Esq., and on recommendation of the Executive Committee:

Honorary Members:—

The Lord Chief Justice, the late Lord Chancellor, the late Attorney General of England and the late American Ambassador, Hon. Joseph H. Choate.

Corresponding Members:—

Senor Antonio de Azevido, Senor Mello Breyner, Senor Azevido Nevis, Senor Mattos Chaves (Ferando), Secretaries of the International Medical Congress, at Lisbon, April, 1906, all of Lisbon. Senor Caetano Beirao, of Lisbon, President of Section on Neurology, Pyschiatry and Criminal Anthropology, of the Lisbon International Medical Congress. Senor Carlos Moriz Tavaris, Lisbon, President of Section of Military Medicine, Lisbon International Medical Congress. Senor Councellor Ramada Casto, of Lisbon, President of the Section of Colonial and Naval Medicine, of the Lisbon International Medical Congress. Senor Manuel Jose de Silva, Editor Ammario Commercial de Portugal, Lisbon; Prof. Dr. John H. Musser, of Philadelphia, and Dr. Ramon Guiteras, of New York, President and Secretary of the American Committee of the Congress.

A paper by J. Mount Bleyer, of New York, 2nd Vice President of the Society, entitled "Medical Superstitions," was then read by the author.

A paper by Robert Hudson Riley, S. L. A., London, Vice President American Branch London Society of Science, Literature and Art, of New York, "Medical Jurisprudence, International History and Cognate Science, Psychology and Anthropology," was then read by the author.

"An Athletic Club for News Boys," and address by Jack Sullivan, was then made. On his opening Mr. Sullivan told the story of his effort to found an athletic club for news boys in this city. He was a news boy, without father, mother or friends, who had started and successfully carried on this club for the benefit of homeless and friendless news boys, where they could have shelter, amusement and protection. His story of privation, persistence and courageous work was full of pathos and of great interest. He invited the members to come and visit the club and made a good showing of what a boy can and did accomplish in this city, who has sustained it thus far, paying all the bills, by enabling the boys to pay in small sums themselves most of what was needed.

The President, in introducing him, spoke highly of his work and praised his courageous and useful endeavor, and called on members to aid him.

Mr. Schefflein, who was present, and others, spoke in a similar vein.

"Pending and Proposed Leegislation at Albany—Senate Bill, No. 258. Report of Progress by the Legislative Committee." The Chair spoke of the pending bill, Senate bill in the New York Legislature, in support of the work recommended by the Society on hearing the papers of Dr. D. Stevens on "Scrap Tobacco," and of Dr. A. P. Grinnell on "Alcohol in Drug Consumption," and called Dr. Grinnell from the Committee on Legislation to report as to the Senate Bill, No. 258. Dr. Grinnell reported favorably on Senate Bill and recommended its approval. He said that he had not prepared the bill, but that it had been drawn by others, who had quoted his figures and research without giving his name, and recommended that the Society favor it. The report of the committee was approved and adopted and the Society recommended its passage.

Report of the President as to needed Legislation was then made.

Mr. W. C. Schifflin and others who had been invited to discuss the measure were present and spoke in favor of the measure.

The Chair stated that the condition of parties and the dissensions in the Republican party and the attitude of ex-Governor Odell, ren dered it unwise, in the opinion of the committee, to move at this session for the repeal of the vicious Odell Lunacy Legislation. That the attempt to obtain the control of the coroner's office by the Board of Health of the city would be defeated, and that delay until a change could be had in the Legislative control was obtained, was necessary which seemed likely to occur at the next election, and recommended that a policy of delay be agreed upon. The Society concurred in the recommendations on motion unanimously.

Report of progress as to the Auxiliary Committee on Medico-Legal papers for the Lisbon Congress, April 19 to 26, 1906, was then submitted. Some additional papers for the Lisbon Congress had been obtained, and preparations completed for a successful Congress at Lisbon, vide pp. 727 et seq vol. 23 Medico-Legal Journal.

The International Congress on Tuberculosis, November 14, 1906, in New York. The Chair reported that the management of the American International Congress on Tuberculosis were proceeding energetically with its work. The invitations had gone out through the public press. That the March number of the Medico-Legal Journal would contain its complete list of officers, and that it would go to all members and delegates in the various States and Countries, with all dispatch.

The Society adjourned at a late hour.

J. R. ABARBANELL,
Secretary.

ANNA W. BLOOMER, M. D.,
Assistant Secretary.

TRANSACTIONS.

APRIL MEETING.

PRESIDENCY OF CLARK BELL, ESQ.

April 18th, 1906, the Society met at dinner, at the Hotel St. Andrews, the President, Clark Bell, in the chair.

By reason of the death of Ex-President, Prof. R. Ogden Doremus; the occasion was mainly devoted to a memorial occasion in his memory.

Representatives from the American Chemical Society, the Philharmonic Society, the Alumni Association of the College of the City of New York; from the Faculty of Bellevue Hospital Medical College; and from all the professions, were invited. The portrait in oil of the Ex-President was hung in the hall.

On the removal of the cloth, the minutes of the January and February Meetings, as printed in the March number of the Medico-Legal Journal, were read and approved.

The following were elected members of the Society:

Active—Dr. I. I. Stevens, 49 West 83d Street, New York City.

The Chair laid before the Society the announcement of the Auxiliary Committee, named by the Chair, in aid of the International Medical Congress at Lisbon. The announcement of the titles and names of authors of the papers as printed in the March number of the Journal, to which should be added the name of Albert J. Atkins, M. D., of San Francisco, Cal., contributing a paper, entitled "The Electrical Action of the Organs of the Human Body," and the title of the paper by Dr. Frederick Cleft, of Provo, Utah, "Epilepsy in Legal Medicine."

The Chair submitted an additional copy of the Medico-Legal subjects which had been suggested to the Medical profession by the management of the Congress, at Lisbon, which assembles tomorrow, as printed at page 732, Vol.. 4, Medico-Legal Journal.

Letters of acceptance of Honorary members in the Medico-Legal Society were read from Lord Alverstone, Chief Justice of England, Hon. R. B. Finley, ex-Attorney-General of England; Hon. Joseph H. Choate, late American Ambassador to the English Government; Prof. Dr. Miguel Bombarda, Secretary-General, and Prof. Dr. ——— President of the International Medical Congress, at Lisbon. The Professor Marie Carrava, Secretary-General of the International Congress on Criminal Anthropology, accepted corresponding membership in the Medico-Legal Society. Prof. Dr. Luigi Constantino

was received as a corresponding member. Surgeon-General S. Suzuki, of the Imperial Japanese Navy, sent a letter accepting Honorary membership.

Professor Dr. Gloreiux, ex-President Society of Mental Medicine, of Belgium, sent a letter of acceptance of Honorary membership.

Mr. Bell explained that it was the greatest disappointment of his life, that he had been prevented from attending the Lisbon Congress, and the Congress at Turin by legal complications in important cases which prevented his absence from New York, wholly beyond his control.

The call and list of officers of the American International Congress on Tuberculosis, for a session in this city, November 14, 15 and 16, 1906, was then laid before the body and ordered placed on file and published in the Medico-Legal Journal.

The Quarterly Report of the Treasurer was presented, showing total receipts from December 18, 1895, to April 1, 1906, $270.69, with a list of names of members paying in and dates; and disbursements from December 30, 1905, to April 1, 1906, $193.10. Balance cash on hand, $77.59. It was ordered placed on file for audit.

The order of business was then taken up and Dr. J. Mount Bleyer read a paper, entitled "How Social Offenders Should be Treated," which he had sent to the Lisbon Congress, and to the Congress of Criminal Anthropology, at Turin.

Mr. Bell asked leave to read by title the papers he had contributed to the Lisbon International Medical Congress and to the Turin Congress of Anthropology, was granted, and the following papers were read by title:

1. Preventive Legislation Against Tuberculosis.

2. Progress of Railway Surgery in America.

3. Review of the Decision of the Court of Appeals in the Case of Patrick.

4. Alleged Poisoning by Inhalation of Chloroform after Embalming with Falcon Solution before Rigor Mortis had occurred and report of Select Committee Medico-Legal Society with discussion.

5. Legal Prevention of the Use of Poison in the Embalming Fluid by Undertakers and Others.

Discussion was laid over on account of the memorial exercises on the death of Ex-President Prof. R. Ogden Doremus.

The President, Mr. Bell, at the opening of the memorial exercises, read from the call of the meeting a few of its sentences, viz:

Fellows of the Medico-Legal Society:

The Nestor of the American Chemists, Ex-President of this body, beloved by all its members, after a long and useful life on the highest plane of exalted human endeavor, has passed into the arms of the Infinite. It has seemed fitting that we devote our April meeting mainly to the memory, and pay tribute to those qualities which made the name of Prof. R. Ogden Doremus foremost not only, but luminous, among his fellows, as a lover of the aesthetic; the beautiful; of art; and a devotee of science; and of music. I shall ask some of the men of this Society to contribute short addresses, and our elder fellows; also some of those nearest him in his active work outside this body, to participate in our labor of love, esteem and respect. His love for art, music and the drama may justify a call for representatives from all.

Mr. Bell paid a tribute to his life and career, and presented a summary of his life. (Vide in our columns.)

Mr. Bell then said that Prof. Doremus's love of music was almost a passion and as he was beloved by the musicians of his time, the officers had felt that it would be a pleasure to have the exercises interspersed with music.

Mr. Bell introduced Chevaler Ligui Constantino, who made a brief contribution to Prof. Doremus and then rendered an original composition dedicated to his memory.

The piano for the eoccasion was sent by the house of Steinway & Sons, as a slight token of their affectionate regard for Prof. Doremus, his ardent and enthusiastic love of music, and in honor of his memory. The President asked for the thanks of the Society to Messrs. Steinway & Sons, which was voted, as also to Signor Luigui Constantino for his original composition to the memory of the deceased.

The Chair then introduced as the opening speaker Hon. Edward C. Lauterbach, of the Bar of New York, President of the Board of Trustees of the College of the City of New York, as the first speaker, a life-long friend and pupil of Prof. R. Odgen Doremus.

Mr. Toastmaster, Ladies and Gentlemen:

The pleasant task is accorded me to rehearse in brief some episodes and characteristics in the life of the man to honor whose memory we are gathered here tonight.

Resplendent and glorious is the name and fame of R. Ogden Doremus, and his activities are well known. His accomplishments and achievements in the social world, in the fields of science, music and education are well recorded in the pages of these respective histories, and stands a living monument of his ability. His pre-eminence in these various directions is fully recognized. His eminence as a citizen is so fully understood, that whatever I, or any one else, may say, will be merely to re-echo the sentiments that actuate you all. It is proper, however, in recalling his illustrious memory, and in recognition of his unabating zeal and efforts in behalf of the institution with which he was connected and in whose success he was so deeply interested, that a few words be said by one who was his pupil, his friend and his admirer.

I was a Junior at the time Dr. Doremus returned from Europe to continue his life's work. Professor Gibbs was then Professor of Chemistry. Upon the retirement of Professor Gibbs Dr. Doremus was called to take his chair and assume the charge and responsibility of the Department. Professor Gibbs was, comparatively speaking, a severe, rigid man, and when the Doctor came we appreciated the tremendous contrast. He excelled as a teacher and rendered us pleasure of the keenest kind. He stimulated interest in the work, and went at it with a dash and spirit that captivated us all. Often, too, did he call upon us to aid him in such emergencies as arose, and permitted us to participate in his experiments.

He had been connected with the institution since 1853, but his more active and unintermittent participation in its work began in 1863, when he became the sole head of the combined departments of Chemistry and Natural History. I think that no teacher, no instructor, was ever regarded with such sincere affection and admiration, so truly considered as a warm friend as was Dr. Doremus. He had all the inspiration of a leader, the spur of a director. We loved him as though he were a parent, a brother, a friend, a schoolmate, one of us. His geniality, his kindness of disposition, his encouraging attitude, his readiness to ovelook mistakes, drew us affectionately to him.

It was the encouragement he gave that made him the one unique member of the faculty and the one unique Professor whom we regarded with the warmest appreciation. He came to the academy as a man of renown and distinction, full of vigor and ambition. He was the leading expert in New York, and was called upon for expert testimony on mostly any scientific problem. His skill was generally recognized and his testimony was usually decisive of any question.

In social life he was indeed a leader. His proudest boast was his descendency from Revolutionary ancestors, and his strongest appeal

was to the American spirit and feeling. His wife was his coadjutor, and his hospitabl house on Fourth Avenue was the scene of the most pleasant functions. However lowly our rank as students, we were as welcome to his home as those of the highest social standing. His motto was "equality, friendship and fraternity."

He loved music. When Christine Neilsen came from abroad, she was admired for herself and for her art by Doctor and Mrs. Doremus, and in their honor he asked us to act as substitutes for horses and draw her in the carriage from the Academy of Music to his house. That incident was typical of his character. It was an illustration of the limits he would transcend in his appreciation of musicians and music, and in his efforts to procure for his pupils a share in the festivities.

There was a change in the status of the old College. The Academy had developed much because of his association with it, and it became the College of the City of New York. His influence and energy were prominent factors in the rise of the Academy to the height and dignity of a college.

Whatever new experiment he desired to attempt, or whatever new instrument he desired to procure, all for and toward the advancement of his beloved science, and that the College should have the credit for taking the initiative in that direction, he left no stone unturned or sacrificed no labor to succeed therein. At one time he expressed the wish to have the greatest and largest magnet that existed on this side of the water. With the Doctor "to want" was "to get." He carried his laudable ambition for the pre-eminence of the college so far that he installed the finest equipped laboratory in New York City, and perhaps in the United States.

During the whole life-time of the College, the work of President and faculty were fully recognized, but the individual to whom we as pupils looked for directions were Dr. Doremus and the alumni professors. He embodied the spirit of the institution. It was always with an ease and good feeling that he performed the duties that were accorded him.

We might enter other rooms perfunctorily, often unwillingsly, but when the Doremus house came around we were anxious to be with him. We anticipated and realized interesting and instructive new matter. Time laid its hand but gently upon him, but after years of fruitful labor, but after the allotted three score and ten had long been left behind, retirement was spoken of. When it became known to the legislature, it needed no argument to induce that body to accord him a liberal pension, so that the remaining years of his life might be passed with comfort. When the moment of retirement came, there was a feeling of regret that animated over 4,000 alumni. There are now on the Supreme Court bench for example five graduates. The success of the great body of the alumni is as much due to the example and precept and co-operation and to a spirit of friendly emulation stimulated by Dr. Doremus, as to any other cause.

When it was decided that one portrait of one eminent Professor should be ordered by the Alumni, the unanimous choice fell upon Dr. Doremus.

The result of his labor has been materialized in the beautiful college buildings which are rising on Convent Avenue. This was brought about in good measure by the Doctor's ability, and it was one of his pet schemes for the advancement of the College. Of course, he could be content with nothing less than the planning of what is probably destined to be a most useful and well appointed college laboratory.

He was present at the breaking of the ground for the new buildings and no one was more enthusiastic. Vim and activity marked h s entire life. They have called to his place a noted man, but never can he accomplish as much for it as he has done.

That college is the college of the poor boy, not the college of the rich. Dr. Doremus was absolutely a cosmopolitan. He knew no distinctions of race, color or creed. They were all his boys no matter what their descent or social standing. He knew no classes. He was a true Democrat. It was his delightful task to make everyone feel that he was the equal of everyone else, provided that his zeal as a student was manifested. He was a leveller in the best sense. He made us all feel that we stood on his plane.

He has gone, ripe in years and great in achievement. More than half a century bears witness to his successful energies in behalf of the College. He lived a life of piety and righteousness and was well versed in biblical lore. The reputation he has built up remains to do honor to a memory that we sincerely revere. Men like he live and die, but their work is immortal.

President Bell then introduced Mr. Wagerman, who made a brief address in memory of the deceased, whom he had greatly admired and then presented on the piano a rendition of the composition of a most talented musician, composed on the grave of his wife.

Hon. G. H. Crawford, of the Bar of New York, was the next speaker, who pronounced an eulogy on the life and career of the deceased. (Vide another column.)

Mr. Bell then introduced Mrs. Atherton Furlong, who rendered a solo, accompanied by herself on the piano. She has a rich, melodious voice, of exquisite timbre and was applauded, but the chair refused on account of time to gratify the audience, and called Dr. Robert Abbe, President of the Alumni of Bellevue Hospital, who made an address. (Vide in our columns.)

Miss Anna Jewell rendered in her best style the funeral march from She was greatly applauded and shows wonderful power and capacity in execution.

Mr. and Mrs. Atherton Furlong sang a duett. with madame at the instrument. Mr. Furlong was in unusually excellent voice, and brought back memories of great purity of tone and brilliancy of execution.

Mr. Bell then presented some short addresses and contributions that had been sent for the occasion, and which were on motion ordered to be printed in the Medico-Legal Journal:

1. Sketch of the Life and Career of Prof. Doremus.
2. Address of Prof. Adolph Werner, the Senior Member of the Faculty of the College of the City of New York.
3. Letter of Chancellor McCracken and others. (Vide in our columns.)

Stephen Fisk for the drama sent this note:

Office 47 West 93rd Street,

April, 18, 1906.

Dear Mr. President:

No honors can be too great for Professor Doremus, and I am glad to know that he has left a son, Dr. Charles Avery Doremus, who is following in his revered footsteps.

Scientists and physicians will speak of the achievements of Professor Doremus in chemistry and physics, of his discoveries and inventions—not put on sale, like patent medicines, but placed at the service of his profession, his patients and his country. Others will eulogize his devotion to music, and his record as twice President of the Philharmonic Society. I knew him best, as one may know so many-sided, versatile, accomplished and energetic a genius, in his relation to the drama.

"The theatre," he once said to me, "is not only my recreation; it is my renovation, my inspiration."

Professor Doremus had a personal friendship for the leading representatives of the legitimate stage—for Charlotte Cushman and Adelaide Neilson, for Mrs. John Hoey and Laura Keene, for Edwin

Forrest and Edwin Booth, for E. A. Sothern and Lester Wallack, and for the members of the superb stock companies, who would now be remembered among the stars.

His home was always open to reputable professionals, and to those who then seemed minor actors and actresses he was a constant benefactor.

I have seen him pause in a chemical experiment to discuss a drama with Dion Boncicault, or a burlesque with John Brougham, and he seemed to know Shakespeare and the old comedies by heart.

To me his empty sleeve was like that of a veteran who had fought and won the battles of life, and he could accomplish more singlehanded than any of his competitors in the varied occupations to which his busy—but never restless—life was devoted.

Full of enthusiasm, Professor Doremus roused the enthusiasm all who conversed with him upon any subject. He was one of the heroes of my youthful romance. But as I view him now in the calm serenity of later years he appears to me even greater than when he honored me by his acquaintanceship.

New York is, from the circumstances of its population, a forgetful city, but those who have witnessed the upbuilding of the metropolis will gratefully acknowledge the debt it owes to Professor Robert Ogden Doremus in chemistry, medicine, art, music, literature, the drama and society.

Yours fraternally,

STEPHEN FISKE.

Hon. Clark Bell.

The Society adjourned at a late hour.

CLARK BELL,
President.

J. R. ABARBANELL,
Secretary.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

MAY MEETING, 1906.

PRESIDENCY OF CLARK BELL, ESQ., LL.D.

The May Meeting of the Society was held at the Waldorf Astoria, on May 16, 1906, at 8 o'clock p. m., the President, Cleark Bell, Esq., in the chair, and in the absence of the Secretaries F. E. Hill, Esq., acted as Secretary.

The reading of the April Minutes was on motion laid over.

On recommendation of the Executive Committee the following gentlemen were elected active members:

Active—Dr. George Sanders, 244 East 61st Street, New York City; Philip Zalkind, Esq., Counsellor-at-Law, 145 Nassau Street, New York City; Dr. E. S. Goodhue, Government Physician, Holualoa, Kona, Hawaii.

Psychological Section—Frederick A. Rhodes, Esq., 321 Fifth Avenue, Pittsburg, Pa.

The Chair reported that he was in receipt of a communication from Hon. Louis Lombard, of Lugano, Switzerland, who had been appointed a delegate from the Government of the United States to the International Medical Congress, at Lisbon, in behalf of and on the suggestion of the President, stating that he had attended the Congress, at Lisbon, as such delegate; that a most successful meeting had been held; that the papers forwarded by the Auxiliary Committee of this Society, of which the President, Clark Bell, Esq., was chairman, which had been forwarded and presented to that Congress. That great honor was shown the delegate from this Society by the Management of the Congress and officers; the King of Portugal and his government, and by the American Ambassador at the Lisbon Court. That festivities and entertainments were on a grand scale, and that he hoped to be able to send a more detailed statement later.

The Chair also stated that Mr. Lombard, one of the delegates from this body, had also attended the International Congress of Criminal Anthropology, at Turin, Italy, on April 29, 1906, and re-

ported that the papers sent by the President and Dr. J. Mount Blyer had been read before that Congress, and that the paper of President Bell, on the Case of Patrick, and on the subject of the Use of Poisons in Fluid for the Preservation of Dead Bodies were received, especially the former, with great applause.

That at the testimonial presentation to Lombroso Mr. Lombard made a brief eulogy to the great Italian and paid the tribute of this Society to him and to his confere Zuccarielle. That copies of the Turin journals had reached the chair describing these events, and that Mr. Lombard would make a more detailed account and report later on.

The President reported great progress in the work of the American International Congress on Tuberculosis, on Nov. 14, 15, 16, 1906, in New York, and the invitations to all the Foreign Governments from the officers of the Congress had been forwarded by the courtesy of the American State Department through the diplomatic channels of the office of the American Secretary of State; and read the correspondence between the Treasurer of the Congress and Hon. Elihu Root upon this subject, which was ordered printed in the transactions of this Society.

The President also laid before the Medico-Legal Society, as Secretary of the Council of the Congress, the formal and official invitation of the Council inviting the Medico-Legal Society, its officers and members to unite with and co-operate with that organization in joint session on November 14, 15 and 16, 1906, and extending to the Society, its officers and members full freedom of the floor and inviting them to contribute papers and to fully co-operate in the work and discussions and proceedings thereof.

On motion the invitation was unanimously accepted with the thanks of this body and the Secretary was instructed to have this action published with the Society's proceedings in the Medico-Legal Journal, and to forward a copy of our action to the President and Secretary of the American International Congress on Tuberculosis.

The Chair was on motion authorized to name an Auxiliary Committee of this Socity to co-operate with that society in its work, with authority to name sub-committees on reception and entertainment, and such other committees as on conference would be most agreeable to the officers and management of the American International Congress on Tuberculosis, and would best contribute to its success.

It was on motion, Resolved, That the members of this Society be recommended to become members of that Congress, of which the membership was only $1.00, and urged to do all in their power to make the session of the Congress a success.

The Chair reported, that a paper by Dr. J. Mount Blyer had been contributed to the Congress at Lisbon, and also at Turin, which would be read before this Society, entitled "How Should Civil Offenders be Treated," and announced that it would appear in the June number of the Medico-Legal Journal.

The Chair also stated that the following papers presented by himself to the International Merical Congress at Lisbon, would be contributed to this Society, viz.:

1. "Preventive Legislation Against Tuberculosis."

2. "Legal Prevention of the use of Poisons in the Fluid Used in Embalming the Dead."

3. The Case of Robert T. Patrick, and the Report of the Select Committee of the Medico-Legal Society, as to the alleged poisoning by Introduction of Chloroform and its effect on the Lungs, where Embalming had occurred before Rigor Mortis.

Mr. Bell explained that the paper on "Preventive Legislation Against Tuberculosis" would be the paper sent out in advance from

the Standing Committee on Preventive Legislation of the November Congress, to open and invite discussion before that Congress.

The several papers were then, at the author's request, read by title and ordered printed in the Journal.

Mr. Bell then explained that his paper as to the "Use of Poisons in Embalming Fluid for the Preservation of the Bodies of the Dead," embraced almost the entire paper that had been prepared by Prof. H. S. Eckels, of Philadelphia, and had been read and in part discussed and suggested that copies of it and of the discussion, as far as it could be obtained, should be sent to the leading embalmers of the United States and the Canadas to the end that it might result in the total elimination of the use of poisons in embalming fluids which would prevent the detection of poisons given in life and guard against the difficulty of discrimination where fatal poisons had been used for criminal purposes. He recommended that with the paper read at Turin, a brief statement go out generally to the whole profession of embalmers, and that the whole subject come before the Select Committee which had been ordered by the Society. After a brief discussion it was so ordered.

The Chair made no recommendation as to the "Case of Patrick," because of the fact that a motion for a new trial before the former trial Judge, Recorder Goff, was now proceeding in behalf of Patrick under a special statute, for a new trial conducted by newly engaged counsel, who had pursued that remedy instead of going directly to the Governor for a full pardon on the facts as found by the Select Committee of the Medico-Legal Society after a full and exhaustive and scientific examination of the whole case and every particle of the evidence by unanimous action, that the death of Rice was due to natural causes alone. That his death was not caused by chloroform at all, and that the whole story of the witness Jones, as to the death of Rice was a fabrication pure and simple, without any possibility of its truth, and done to protect himself by the immunity promised by the District Attorney. This is not intended as a criticism of the new counsel, because if their present motion should fail they might feel that their rights to resort to an appeal for pardon would still remain. The lapse of time in itself also works in the public mind, in favor of the innocence of the accused, and this has grown stronger daily, and will steadily increase. Again time has helped the accused in an unexpected way. The millions of the Rice estate went into the hands of trustees in Texas.

It is now an open secret that controversies have arisen as stated from reliable sources in Texas as to the disposition of very large sums by these trustees, who claimed to have used it in the prosecution of Patrick, and to an enormous amount, exceeding as has been publicly stated more than a quarter of a million of dollars.

What has been done with such a vast sum becomes a very grave question. Who has got this money and for what service, The trial was not conducted by Mr. Jerome. Time may open all that is now unknown and the daylight may come in. At all events the scientists of the Medico-Legal Society who did examine and report on the Patrick case and on Rice's death and Jones' testimony, entertain not the shadow of a doubt that Rice died from natural causes and not from chloroform at all and they agree with the Chair that no action by this Society should be taken while the present proceedings before Recorder Goff is proceeding.

The papers were read by title that were sent to Lisbon and Turin.

The paper of the regular order then came up: "Can Chloroform be used in the Commission of Crime on the Sleeping and Unconscious Victim," by Clark Bell, Esq.

The second paper on the same subject, by Prof. D. S. Fairchild, was then read on the Iowa case.

On motion the papers were order printed at the opening of a Symposium, and the President requested to send the same to the counsel, experts and courts who tried the case, and to call on both professions to take up the discussion and to, in his discretion, submit the questions to the Medico-Legal Societies of Belgium, England, France, Italy and other countries.

The Society then took up Memorial action on two of its late corresponding members, Justices of the Supreme Court, Hon. Wilmot M. Smith, of the Second Judicial District of Patchqua, L. I., New York, and Hon. John F. Parkhurst, of Bath, Steuben County, New York, of the Seventh Judicial District.

The President, Mr. Cleark Bell said in opening the Memorial exercises:

That reared in the profession as he had been in the country, he had entered the Bar of the Seventh Judicial District as a young man and particularly the Bar of Steuben County, and had grown up in and with it, knowing personally every man in that county in its ranks and nearly all of its members in the out-lying counties of the Seventh District, and that there the profession was more fraternal had never lost the effect it always exerted upon its own members and upon the community a high which was always a powerful influence. He had known every Judge on the bench of the Seventh District, and had been on intimate terms with many. Some of them were the dearest friends of his life, and that there was a spirit almost akin to free masonry in the Bar of the Seventh District among its members, and that the Judges of the bench every one felt a warm and sincere friendship for the younger members of the Bar. The influence of the Judges and of the older men of the Bar was ever thrown around the young men of the Bar and no young men of the Bar of the Seventh District could have gone wrong or brought any disgrace upon the Bar, without the personal interference of some of the Judges and of the seniors warning and reproving and criticising them, and I have known of many instances where a tendency to drink and to gamble, and go wrong were thus corrected and the highest standard of excellence and of honor and professional pride was maintained and upheld by the Bench and the Bar of the Seventh District, when Judges Thomas A. Johnson, Henry Welles, James C. Smith, the brothers Sheldon, Martin Grover, Judge John R. Darforth, David Rumsey and Geo. B. Bradley were the ornaments of the legal profession of the Seventh District in my early professional life. The Bar of the City of New York, when I came here as early as 1864, never had any such feeling; no such corp d'esprit. I think I have known personally all the abler men at our New York Bar since that day and all the Judges. The Bar of New York City had no unity of feeling; no solidarity; no sociability. It was not a homeogeneous body.

The Bar Association was the combination of a few powerful firms and cliques.

Men of our profession had their personal friends, Judges their favorites and their friendship was wholly unlike that of the Seventh District in my youth.

Perhaps it was too large, too unwieldly in New York City. It had no personnel; no pride of itself as a Bar; no corp d'esprit.

The members had personal ideas of what a Bar ought to be, but no one to watch over the young lawyer outside families and especial friendships.

No pride of the profession as a Bar, only the pride the well trained member of the Bar felt in his own self respect, and what was due him from the Bench and what was due the Bench from him. Thus it has come that when a Judge dies in New York it is his family, his relations, his few personal friends that mourn him.

The Bar does not and when the Bar leader dies it is the same.

Judges Charles E. Daniels and Noah Davis, who sat so long on our Bench both came from the Eighth District, which was very like the Seventh, and both of these Judges were like Judges Welles and Johnson and Bradley, of the Seventh.

Queens County and the Second District, even including Brooklyn, were more like the old Seventh. Judge Calvin E. Pratt and Judge B. F. Tracy, W. E. Goodrich and Dykman and Joseph F. Barnard were like the Bench of the old Seventh District, and when Judge Wilmot M. Smith, in the prime of his life and in the very flower of his youth dropped down in his harness, the whole Bar came out to his funeral and to the memorial exercises, where the Presiding Justice of the Appellate Division from Orange County, Judge Hirshberg, presided.

The biography of Judge Wilmot Smith I wrote and it is in my March Number. Judge Hirschberg is unable to be present tonight, but he sends me as a tribute to his associate, from his remarks at the memorial meeting of the Bar of the Second District, a few sentences that are well chosen and most fitting from the head of the Justiciary of the Second Judicial District, at the grave of the Judge who died like the soldier in battle, in the service and at his post in the discharge of his duty.

Justice Hirschberg's Eulogium.

Presiding Justice Hirschberg said:

"The proprieties of an occasion like this limit the presiding officer to a brief expression of concurrence. All that can be said has already been spoken, and spoken forcibly, eloquently and adequately. Althought commemorative services like these of today are not common, it rarely happens that the bench and bar meet to grace the shadow of departed life, where the tributes are as sympathetic, the offerings as spontaneous, and the inspirations as affectionate as have characterized the adresses to which we have been listening. They have borne a high note of love and tenderness for the man deceased, no less than of admiration for the departed Judge. He was truly an ideal jurist, profound as a lawyer, estimable as a citzen, lovable as a man. To the sentiments of approbation and of eulogy, which have been uttered I can only offer my humble but sincere accord. The mortal part of each life ends necessarily in nothing but an insignificant contribution to an immense volume of pathetic dust; but the spiritual sense is satisfied when as in this instance the ashes are sanctified with the memory of a noble life devoted to duty and glorified with the love of God, of justice and of humanity. Wilmot M. Smith died when he was but a little way beyond the period which marks the middle of a life of rounded manhood; but he died full of honor, respect and love; and he leaves a judicial record glowing with the light of purity and power to attract the emulation of all who may sit in human judgment in the days to some. May his memory remain fresh and sweet, and may his soul rest in ternal peace."

This Memorial was held in the Court room. I have the permission of the speakers to quote them for the present occasion.

The courtroom was filled and the hall was crowded. Prominent jurists and members of the bar in great number attended the services and the speakers paid tributes of the highest merit to the late Justice Smith.

H. C. M. Ingraham, of the Bar of Brooklyn, was then introduced by the Chair and said:

Mr. President, I had the honor of presenting the memorial to Judge Wilmot M. Smith at the meeting over which Judge Hirschberg presided and with your permission I will present the same on this occasion. Mr. Ingraham said:

The Memorial Adopted.

We are gathered here today because one who has spent much of his time for many years in our courts has ceased to work among us. Justice Wilmot M. Smith died at his home in Patchogue, L. I., on March 29, 1906. He was born at Hauppang, not far from where he died, on March 21, 1852. He was fortunate in his parentage, and in his place of birth. He came to a home in the country, on a farm, where there was neither poverty nor riches, but where there was fresh air, the charms of nature, kindly hearts, unostentatious but genuine refinement, an appreciation of books and ideas, an interest in public affairs and a willingness to take part in them, a reverence for good character and for God. Here he spent his first eighteen years, to him the most important part of his life.

In 1874 he was graduated from Cornell University. Well equipped, therefore, he then began the study of the law, a study which he pursued with unremitting energy till his death.

He was admitted to the bar in 1877. From this time he was never out of the sight of those who were about him in his childhood and had known all about his young manhood. These people knew him and believed in him and made him their District Attorney and afterwards their County Judge.

It was but a natural evolution that placed him, in 1865, upon the bench of the Supreme Court. These last eleven years have been those in which he has done his best work and made all of us acquainted with his rare worth.

As a citizen he was ever interested in public affairs, and in the people, and thought earnestly and wrought well for their good. As a lawyer he was learned, tactful, faithful, successful. But it was as a Judge that he did his best work. For this work he was unusually endowed. On the bench he was urbane, patient, attentive, quick to comprehend and firm in his conclusions. He had dignity; but it was unconscious, unsought, unassumed dignity. He never seemed to think that it needed to be guarded by himself. He was sincere enough to be genuine and genuine enough to be great. His dignity was perfectly simple and natural and was no barrier to a proper approach to him at any time. He welcomed freedom of approach. Yet dull and despicable indeed was any one who was not respectful in his presence.

As the Bar Saw Him.

We, of the bar, handed up to him our puzzle pictures of law, and he would see at a glance, beneath the confusing lines, the reality. He had the rare power to see the truth unobscured, and made others see it. He was profound. It may be we sometimes failed to recognize this fact because he made the most perplexing things and the most obstruse matter seem so simple and clear. Such was his power to illuminate the darkness and bring order out of confusion.

Judge Smith had his social alliance with his family, his friends, his party and his church, and loyal indeed was he to them; but he was not a bigot. No party or denomination was broad enough for his wide sympathies. They were used by him for helps, but did not restrain his interest in all men.

It was his delight to be helpful. His passion for work was extreme, perhaps excessive and injurious, and he continued to discharge the function of his office to within a few hours of his departure.

But he is gone and our loss is great. We have lost an able, right-minded, industrious Judge; a genuine, noble man; a genial, delightful companion, a sincere and helpful friend. Yet he is not wholly gone. Memory will not allow death to deprive us wholly of him. Influences are still at work upon us which emanated from him and

are deathless. Nothing can deprive us of his admirable illustration of a noble life. He is yet our friend. We tender to his bereaved family our deep sympathy and hope that their grief may give way to an abiding satisfaction because their lives are linked with his.

Sentiments of the Appellate Division.

Justice Willard Bartlett, of the Appellate Division, said in part:

"I do not know of any higher tribute that can be paid to our late brother than by the manifestation of so prominent a gathering of the members of the bar, as I see before me. No other profession is subject to the criticisms that the profession of the jurist is. Not the President of the United States, not the Governor of any State is subject to such daily criticism as falls upon a trial Judge. When a man for ten years has been open to such criticism and stands in the view of the public in such a light as the late Judge Smith, it is indeed a fine thing. It is a noble thing to live a life like the man whose death we are gathered here today to mourn."

Justice Almet F. Jenks, of the Appellate Division, said that he could hardly realize that Judge Smith was dead. He seemed to feel that Judge Smith had only gone on a journey from which he would return some day, though he knew it was not so.

"So strong was the ken between us," said Justice Jenks, "that I am constantly feeling that he has only gone on a journey and that tomorrow I may take his hand again and look into his kindly eyes. When a man was so fine and so perfect as Judge Smith, what words can give any additional idea of our love and respect for him."

United States Judge Edward B. Thomas said:

"Judge Smith was a man of conscience; he had a strong grasp of the law, and pre-eminently the quality of pure unselfishness. No man knew better than he that authority loses nothing by its judicious exercise. Some men rule by intellectual oppression, but over the men of this kind, I place Judge Smith. We should learn from his life the beauties and grandness of judicial strength and courtesy. His qualities commended, while they commanded. A man who respected others while he was being respected; he excelled by his wisdom."

Mr. McDonald Speaks for the Bar.

Albert G. McDonald, President of the Bar Association, spoke of how the funeral of Judge Smith, at Patchogue, had impressed him. He said that he had never seen a man so revered and so loved as was Judge Smith.

"We, of Brooklyn, claim a foremost part in these ceremonies," said Mr. McDonald, "for he was with us much and was one of us. He was so gentle and so just that he claimed our highest respect. His friends were legion, and I do not believe that he ever did a single act in his whole life which caused any one to think less of him. If I cannot finish and say what I would like to, it is because my love for him is so great and words fail to express what I feel at his loss from my life."

Lawyer Henry L. Bogart, representing Queens County, added his tribute to the late Judge.

"The shadow of a great sorrow has fallen upon us," he said, "all we can say of Judge Smith is, that none knew him but loved him."

Judge John Wyatt, of Nassau County, said:

"Those of us who knew Judge Smith's character in his early youth, were not surprised at the high honors bestowed upon him in later years. No matter whether a man was the victor or the vanquished in a law-suit, he always left Judge Smith's court room feeling that he had a fair trial. He was faithful to his duties, and did his work conscientiously."

Judge Joseph Belford, of Suffolk County, said:

"I am aware that nothing I could say could enhance the value of Judge Smith in your eyes. We mourn not so much the departure, as we do the man himself. 'We have lost a great, good man'; this is the universal expression of Suffolk County."

Judges Sidney F. Raliston, of Richmond County; J. Addison Young, of Westchester County, and Willard E. Hoesler, of Dutchess County, spoke in the highest terms of the departed Judge. They said that he would be greatly missed in their counties where he was greatly loved for his wisdom and justice.

Mr. Bell submitted the following letters as appropriate tributes for this memorial occasion:

New Rochelle, April 17th, 1906.

My Dear Mr. Bell:

I am very much obliged to you for your invitation to attend the Dinner of the Medico-Legal Society on the third Wednesday of May.

I regret very much that I will be out of town during that week, and it will be impossible for me to attend. No honor or eulogy can be paid to the memory of Judge Smith that he did not doubly earn by his patient, wise and just administration of the law.

Thanking you for thinking of me, I remain,

Very faithfully yours,

MARTIN J. KEOGH.

Patchogue, N. Y., April 16, 1906.

Clark Bell, Esq.,
39 Broadway, New York, N. Y.

Dear Sir:

Your favor of the 13th inst. is at hand. I will endeavor to attend the meeting which you mention on the third Wednesday of May. It will afford me pleasure, if I can find the time to do so, to prepare a brief tribute to the memory of the late Judge Smith; but between finishing up my business as County Judge and closing up my practice as an attorney, and taking up the new duties of Supreme Court Justice, I am afraid my time will be very fully taken up. I trust, therefore, you will not deem it any lack of desire, and I hope to be able to prepare a tribute as suggested.

I am, with sincere respect, Truly yours,

WALTER H. JAYCOX.

Elmhurst, L. I., April 17, 1906.

Clark Bell, Esq.,
President Medico-Legal Society.

Dear Sir:

I have your favor of 13th inst. relative to the tribute to be paid to the late Justice Wilmot M. Smith, deceased, under the auspices of your Society.

I regret to say that I shall be unable to participate in the way you request, notwithstanding the departed jurist was a very dear personal friend, and I esteemed him most highly for his exalted qualities of mind and heart. Very truly yours,

G. J. GARRETSON.

48 Montgomery Place,
Brooklyn, May 1, 1906.

The following letter was read from Hon. W. W. Goodrich, Ex-Presiding Justice of the Appellate Division of the Supreme Court, Second Department:

My Dear Mr. Bell:

I shall certainly be present at the meeting in honor of Judge Smith. I am very glad that the Society has taken action.

Yours truly,
W. W. GOODRICH.

Mr. Bell:

In introducing the name of the departed Jurist Hon. John F. Parkhurst said:

I feel a peculiar tenderness in making any eulogy in memory of Judge Parkhurst, who was comparitively unknown in this great city, the Metropolis of the Nation, but so many memories of the past cluster about me that I am overcome with a profound emotion.

I was the law partner of Hon. Guy H. McMaster, at Bath, New York, in the early sixties, and before I came to the City of New York my firm relation continuing some time after I left Bath and came to New York to reside.

The firm was Campbell & McMaster, Lt. Governor Robert Campbell whom I succeeded, and I coming in as the junior of the firm. Later on John F. Parkhurst came into the office and became the law partner of my old partner, Guy H. McMaster, and married his daughter Alice.

I have prepared a sketch of his life, which will come into this memorial and go into my volume, The Supreme Court of the States and Provinces of North America.

Judge Parkhurst had perhaps greater power as an influential political factor in the Western portions of the State. He was the chief of Mr. Thomas L. Pratt's forces in the southern tier and the western counties of the State. He won always but without antagonizing the opposition. He knew every man in his party in all the west end of the State.

He was of a rare quality as a student of the law. Patient, untiring, he studied his cases from the bottom and was rarely mistaken or surprised by the other side in a legal conflict.

He has been an invalid for several years, and it was a sad misfortune that he lost his health just as he was coming into the brightest days of the public recognition of his intellectual powers.

All his associates respected, admired and were fond of him. Affectionate, loving, true to his friends, he was a splendid specimen of a good lawyer, wise counsellor and true friend, one who was plucked from the tree ere he had ripened into the perfect fruit.

He fell like the soldier who died not in battle, but from the conditions surrounding him that he had not the strength to overthrow or surmount.

I submit letters from some of those of his associates who responded to my call:

Judge Foote wrote:

My association upon the bench with the late Justice John F. Parkhurst was limited to the year preceding his death. During that period he was, for the most part, prevented by illness from participating in the work of the Court. I had known him, however, at the bar for many years, and was one of his associates in the Constitutional Convention of 1894. I found him to be a man of sterling character and of more than ordinary ability as a lawyer. The work which he did upon the bench was in keeping with the high position which he held at the bar, but, unfortunately, the condition of his health was such that he did not have a fair opportunity to show how exceptionally well qualified he was for the judicial office.

The regret is deep and wide spread in this judicial district that the State has been deprived of his valuable services by his untimely death.

NATHANIEL FOOTE.

Rochester, N. Y., April 21, 1906.

Judge Dunwell, of the Seventh District, wrote:

Lyons, N. Y., May 12th, 1906.

The Hon. Clark Bell,
President Medico-Legal Society.

Dear Sir:

I shall not be able to be present at the meeting of the Society on the 16th inst., in honor of the memory of my distinguished brother upon the bench, the late Judge Parkhurst, but I cannot let the occasion pass without some expression on my part of the affection and respect which I entertained for him in common with all of his associates upon the bench and of the members of the bar of this district.

My acquaintanceship with Judge Parkhurst extended over many years. The first time I saw him was on the occasion of my admission to the bar at the General Term in Buffalo, in June, 1873. At that time I had the pleasure of hearing him argue a case before Judges Mullin, Talcott and E. Darwin Smith, then composing that court. His adversary on that occasion was the late Judge William Rumsey. Soon after that I became personally acquainted with Judge Parkhurst and continued to enjoy his acquaintanceship as a lawyer and Judge down to the time of his death.

He was always courteous and friendly to his associates of the bench and bar, honorable in all his relations with them, and throughout his career had their respect and affection.

As a lawyer he attained to the highest rank. He was industrious, a diligent student and no case committed to his charge ever suffered for want of skill and ability in its management. He was particularly able in diffisult and intricate cases.

On the bench these qualities soon distinguished him and he became known as highly capable in cases where difficult questions of law were involved that required patient application and extensive legal learning for their disposition.

He was an ornament to the bench in every respect and the people of this district prized him and lament his death and keenly feel the almost irreparable loss they have sustained in his death, whereby they have been deprived of the important services he was rendering them in the honorable and responsible office he was so ably administering.

Not only is his death deplored as a loss in his official capacity. He was a public spirited citizen, whose influence was always exercised with powerful effect on the side of good government and for the strengthening and sustaining of our free institutions.

He was a constant and loyal friend. This friendship was returned in the same degree and his memory will be cherished and perpetuated by all those who were so fortunate as to have experienced these relations.

He was a Christian gentleman, an affestionate husband and indulgent father and bore himself in these relations with the same high character that marked the purity of his public life.

Although Judge Parkhurst has departed from this life, and our loss is great, the influence of his life is not lost, but will continue for years to come to inspire others to emulate the course he pursued in public and private life.

I greatly regret that my official engagements are such that I can not meet with you to pay my personal tribute of respect to his memory.

Very respectfully yours,

J. W. DUNWELL.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

JUNE MEETING, 1906.

The closng Meeting of the Spring season of 1906 was held at a Dinner at the Hotel St. Andrews, 72d Street and Broadway, New York, on Wednesday, June 20, 1906.

The President, Mr. Clark Bell, in the chair, and Dr. A. W. Bloomer, Assistant Secretary, acting as Secretary.

The Minutes of the March, April and May Meetings were approved as published in the Medico-Legal Journal.

After the Dinner, at 9 o'clock p. m., the Chair announced that the evening would be devoted to the subject of "The Elimination of Poisons in the Embalming Fluids used by Embalmers." Also:

That the New Jersey State Funeral Director's Association had been invited to be present and participate in the Meeting under the following circumstances: That on the 2d of June, 1906, the President of this Society had been invited by that body to be present and take part in the Memorial Dinner, at Philadelphia, to commemorate the successful passage of the recent law of New Jersey creating a Board of Embalmers and prohibiting the use of poisons in the embalming fluid by embalmers; and that a large number of the members of the Medico-Legal Society, residents of New Jersey and Pennsylvania, who were present at the Dinner were anxious that that body should be honored by an invitation to attend our June Meeting, and a formal invitation had been extended to them and he was glad to see so many present in response to the invitation. The invitation appears in another place.

Mr. Bell then read a paped which he had contributed to the Congress of Criminal Anthropology held at Turin, on April 29, 1906, entitled, "Legal Prevention of the Use of Poison in the Embalming Fluid by Undertakers or Others," which was on motion ordered to be printed for the use of embalmers and others and the public press.

Mr. Bell stated that he paper had been read at the Dinner of the New Jersey State Association of Funeral Directors, on June 2d, in Philadelphia.

Mr. Bell then said:

The Medico-Legal Society has been, for many years, endeavoring to arrest the use of any fluid for the alleged purpose of embalming

the bodies of the dead which would interfere with the detection of crime where death was due to poison. In the past the fluids used by the embalmers in this country has been so much mixed with the common poisons of aresnic and strychnine, as to make it impossible to discriminate after death, where the fluid has been put into the arteries or the abdominal cavity; between arsenic taken into the body by the mouth or rectum, before death; or by imbibition, as the embalming process would be; and it is a fact that all courts and scientists concurred in the opinions announced officially by this Society, that there was now no means known to science by which the act of the poisoner could with precision be fastened upon him in such cases after embalming with a fluid containing such poisons. Great odium attached to the undertakers for using this fluid, but they could not help it; they were not chemists, and they were doing the best they could with the light they had, and we of the Medico-Legal Society assumed that we had to proceed by legal measures before State Legislatures. This Society resumed the consideration of this question last winter when I brought it out in my Inaugural Address that I had induced Prof. Eckels to take hold of the subject from our side; that is, to induce by reasoning processes through knowledge practically acquired and by experience, and obtain a general consensus of opinion among all the embalmers that it was not necessary to introduce a poison into the embalming fluid at all. New Jersey has just passed a statute creating an embalming board, and it has a section which makes it criminal to put in any poision in the fluid used to emblam dead bodies. The Governor of New Jersey sent me a copy of that act which I now lay before you, and it should go on record as the action of the Society, thanking the Legislature of that State for its passage and especially the Governor for signing this meritorious and highly important bill.

The Act passed by the Legislature of New Jersey was as follows:

The New Jersey State Law for Embalming the Bodies of the Dead.

THE NEW LAW.

An Act to Regulate the Practice of Embalming, Burial and Disposal of Dead Human Bodies; to License Undertakers and Embalmers and to Punish Persons Violating the Provisions Thereof.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. From and after the passage of this act there shall be a Board of Undertakers and Embalmers of the State of New Jersey, whose duties shall be as hereinafter stated. The Board shall consist of five members, to be appointed by the Governor, each of whom shall serve for a term of three years from the date his appointment shall take effect respectively, except in case of appointment to fill vacancy. Any vacancies occurring in the board herein provided for shall be filled by the Governor for the unexpired term. The Governor shall, in his first appointments, designate the number of years each appointee shall serve. No person shall be eligible to appointment as a member of said board unless he shall have had an experience of at least five years, both as a practical undertaker and embalmer.

2. Said board, so appointed, and its successors, shall be known by the name of "Board of Undertakers and Embalmers of the State of New Jersey." Every person so appointed to serve on said board shall receive a certificate of his appointment from the Governor, and within ten days after receiving such certificate shall make, subscribe and file, in the office of the Secretary of State, an oath to faithfully perform the duties of his office. The first meeting of the members of said board shall be held within sixty days after their appointment as aforesaid, and at a time and place agreed upon by

a majority thereof, all members of said board to receive due notice of same, and shall meet at least once in every year thereafter. At such first meeting the board may adopt a common seal, and shall elect from its members a president, secretary and treasurer. The treasurer shall have charge of all receipts and disbursements of money, and to give a bond for such sum as the said board may determine. Said board shall have power, from time to time to adopt and approve rules, regulations and by-laws not inconsistent with the laws of the State of New Jersey, whereby the performance of the duties of said board shall be regulated. A certified copy of such rules and regulations, attested by the president and secretary of said board, and deposited with the State Board of Health, shall be sufficient evidence of the regular making, adoption and approval thereof.

3. For the purpose of providing a uniform examination throughout the State, and requiring a proper standard of qualifications for all candidates, and said board shall, immediately after its first meeting, provide for the conducting of such examinations as it may deem necessary for the proper examination of applicants for license as undertakers and embalmers, in accordance with the rules and regulations made, adopted and approved as hereinbefore prescribed. Said examination shall be had upon questions that pertain to the embalming, burial and disposal of dead human bodies, and to the shipment of bodies dying of contagious and infectious diseases, or any other cause whatsoever, in accordance with the rules and regulations of the State Board of Health, and such other subjects as the board, in its judgment, may deem proper. For the purpose of examining applicants for license as undertakers and embalmers the said board shall appoint the time and places for holding examinations, which examinations shall be held at least semi-annually in each and every year, and such appointment shall be made with due regards to the convenience of applicants and the public service. Said board shall also prescribe the mode and manner of such examinations, and appoint the examiners to conduct the same. Said examiners to be members of the said Board of Undertakers and Embalmers.

4. It shall be the duty of any person engaged in the business and practice of undertaking and embalming of dead human bodies in the State of New Jersey, at the time of the passage of this act, and who shall desire to continue the same, to cause, before the first day of October, nineteen hundred and six, an application, containing his or her name, residence and place of business, and the name under which he or she is doing business, and a statement that at the time of the passing of this act such applicant was actually and actively doing business (either embalming or burial of dead human bodies, or both) at the place named therein, and the said business to be conducted continuously by said party or parties within the jurisdiction of the State, such application to be signed by the applicant, and the statements therein contained to be duly certified before an officer authorized to take acknowledgments, to be registered with the said board, whose secretary shall keep a book for the purpose and who shall enter such registration therein upon payment of a fee of five dollars, whereupon the said board shall issue to such applicant the license provided for in this act.

5. From and after the passage of this act every person desiring to engage in the business of undertaking and embalming of dead human bodies within the State of New Jersey, and not already engaged therein, shall make a written application to the said board for an undertaker's and embalmer's license, accompanying the same with the application fee of five dollars, and with a certified statement of three reputable persons that the said applicant is more than twenty-one years of age, is of good moral character, and has

obtained at least a grammar school education, and has served at least two years' apprenticeship with a reputable funeral director, whereupon the secretary of said board shall issue to said applicant a permit to enter an examination held pursuant to the provisions of this act.

6. These applcants having attended an examination held pursuant to the provisions of this act, and who, in the judgment of the board, have shown themselves to be duly qualified, shall receive from the said Board of Undertakers and Embalmers a license to conduct and practice undertaking, embalming and disposal of dead human bodies upon said applicant paying to the said board a license fee of five dollars. Should said applicant fail to pass the examination, the application fee shall be returned. Said license, when issued, shall be recorded by the board, and such record shall be open to public inspection. And a notice of such license and all licenses granted under section four of this act shall be sent to the State Board of Health of the State of New Jersey and such license shall be admitted in evidence in any of the courts of this State, and shall be presumptive evidence as to the facts therein contained. It shall be the duty of the said board to issue with each license card, bearing applicant's name, and a corresponding number and seal and the fact that he or she has been licensed as an undertaker and embalmer. Any person obtaining a license under this act shall register that fact, together with his or her license number, at the office of the board of health of the city, town or place in which it is proposed to carry on said business, or at the place where permits for burial for the district in which it is proposed to carry on said business are issued, and shall display said license in a conspicuous place in the office of his or her place of business.

7. The said Board of Undertakers and Embalmers shall have power to revoke any license granted under this act upon conviction of violation of any of the provisions of this act, or the rules and regulations as herein prescribed, or upon conviction of continued improper conduct, said conviction being subject to approval by the courts of the State.

8. No license granted or issued under the provisions of this act shall be assignable, and every such license shall specify by name the person to whom it is issued, and not more than one person shall carry on said business under one license. Except that this section shall not aply to any widow or heir of any deceased undertaker, to whom a license shall have been issued under the provisions of this act, who shall continue deceased's business of undertaking and embalming under the supervision of a person duly authorized to practice the same under the provisions of this act.

9. The said Board of Undertakers and Embalmers shall pay the expenses of its members in attendance upon the examination herein provided for out of and not to exceed the income derived under the provisions of this act, and said board shall have the power to employ any persons or officers necessary to carry out the terms of this act and to compensate them from the funds of said board, and once in each year said board shall make to the Governor of the State a written statement of receipts and disbursements under this act, and all surplus of funds over and above the expenditures herein authorized shall be paid over to the Treasurer of the State annually at the date of the filing of the aforesaid report with the Governor.

10. From and after the passage of this act no person to whom a license has not been issued as prescribed by section four of this act, or who has not passed the examination herein prescribed, and been licensed as herein prescribed, shall transact the business or practice of embalming of dead human bodies within the State, except that nothing contained in this act shall apply to commissioned

medical officers of the army of the United States, or to the United States Marine Hospital Service, while so commissioned, but no person shall employ for the purpose of embalming or presrving any dead human body, any arsenical solution nor any other poisonous agent which may, by its presence in the viscera, prevent the detection of criminal uses of said poisonous agents before the death of the individual occurred.

11. Any and every violation of any of the provisions of section ten of this act, or of any of the rules and regulations in reference to the business and practice of undertaking and embalming of dead human bodies, made and duly approved as by this act prescribed, is hereby declared to be a misdemeanor, and is punishable by a fine not to exceed one hundred dollars, at the discretion of the court.

12. This act shall take effect immediately.

A vote of thanks to the Legislature of New Jersey and especially to the Governor of the State for signing this Act was then unanimously adopted by the Society at the suggestion of the Chair.

John F. Matthews, Esq., of Newark, N. J., the President of the New Jersey State Funeral Directors' Association, then submitted a paper which he stated he had caused to be prepared, which was read by Mr. August R. Schauenberg, of New York, the author of the paper, which he read before the Society.

The following gentlemen were then unanimously elected members of the Society, proposed by H. S. Eckels, of Philadelphia:

ACTIVE MEMBERS.

James H. Sexton, Asbury Park, New Jersey.
Charles Albaugh, Highbridge, New Jersey.
J. F. Martin, Elizabeth, New Jersey.
R. R. Brinkhurst, Esq., of Philadelphia, Pa.
John Maas, Louisville, Kentucky.
A. L. Eastman, Boston, Mass.
E. M. Van Buren, Brooklyn, New York; also the following proposed by Clark Bell, Esq.:
Dr. George Sanders, 244 East 61st Street, New York.
Phillip Zalkind, Esq., Counsellor-at-Law, 145 Nassau Street, N. Y.

Mr. Bell then said that the subject had assumed a national and almost an international aspect; that the action of the New Jersey State Legislature in the passage of the law was greatly to the credit of that State and would likely be followed by other States in the American Union; that the officers and members of the Medico-Legal Society felt a very great pride at the outlook of the movement at the present time and referred to the action of the State of Michigan for its action in the premises, as follows:

Michigan.

The Legislature in the State of Michigan, in relation to embalming, is found in the laws of that State passed in 1903, in Act No. 132, Laws of 1903, entitled as follows:

ACT NO. 132, LAWS OF 1903.

An act empowering the State Board of Health to determine the qualifications necessary, examine and license persons qualified to practice the art of embalming and regulating the practice of embalming dead human bodies, and to repeal act number two hundred thirty-three of the public acts of ninteen hundred one.

The People of the State of Michigan enact:

Section 1. The State Board of Health is hereby authorized and empowered to determine the qualifications necessary to enable any

person to properly embalm dead human bodies and disinfect the premises. The said board, or some member thereof, shall examine all applicants for an embalmer's license, and shall issue an embalmer's license to all persons who successfully pass such examination. No person shall embalm any dead human bodl, unless he shall hold a valid unrevoked and unexpired license from the Michigan State Board of Health authorizing him to practice the art of embalming.

Section 2. Embalmers' examinations shall be held in the city of Lansing, at least once each year, and at such other times and places as the said board many designate. Provided, That an examination shall be held once each calendar year in the Upper Peninsula, if five or more residents of the Upper Peninsula shall have on file with the secretary of the said board their applications for licenses.

The said board is hereby authorized to send but one of its members to the Upper Peninsula to conduct embalmers' examinations there.

Section 3. No person shall be granted a license under this act, who has not practiced embalming dead human bodies for at least six months, or shall have had at least six months' practical instruction in embalming and disinfecting under a licensed embalmer.

Each application for an embalmer's license shall be made in writing on blanks prescribed by the State Board of Health, and filed with the secretary of said board and shall be accompanied by a fee of five dollars, and proof that the applicant is a person of good moral character and of the age of twenty-one years or upwards. Provided, That any person now holding an embalmer's license issued by the State Board of Health, may procure a license under this act by making application therefor within ninety days after this act shall take effect, and shall not be required to take another examination. Such application shall be made upon blanks prescribed by the said board, filed with the secretary of said board and accompanied by a fee of fifty cents. Provided further, That all licenses issued by the State Board of Health by virtue of any statute in this state, shall expire at the end of ninety days afte this act shall take effect. Provided, further, That any person holding an embalmer's diploma issued by the University of Michigan, shall not be required to take an examination under the terms of this act, but shall be entitled to a license upon making application therefor in manner and form prescribed by the said board, and filing the same with the secretary of the board accompanied by a license fee of five dollars and proof that he is a person of good moral character, and at least twenty-one years of age.

Section 4. The licenses shall be signed by the president and secretary of the State Board of Health and the seal of the board affixed thereto. No license shall be issued or renewed for a period exceeding one year and all licenses and renewals thereof shall expire and terminate the thirty-first day of July following the date of their issue, unless sooner revoked and cancelled.

Section 5. Any person holding an embalmer's license under this act may have the same renewed for not to exceed one year, and not longer than to July thirty-first, following the date of such renewal, by making and filing with the secretary of the said board an application therefor within thirty days preceding the expiration of his license, upon blanks prescribed by the said board and upon payment of fifty cents renewal fees: Provided, however, That any person neglecting or failing to have his license renewed as above may have the same renewed by making application therefor during the month of August following, and upon payment of two dollars and fifty cents revival and renewal fees.

Section 6. The secretary of the State Board of Health shall keep a record, in which shall be registered the name and business address of every person to whom an embalmer's license has been granted in accordance with this act, and the number and date of such license, and the date of each renewal thereof. In the month of September, of each and every year, the secretary of said board shall supply each licensed embalmer, and the various transportation companies within this state with a list of all embalmers holding a license under this act, then in force, giving the names of such persons, their business address and the numbers of their licenses. The secretary of said board shall mail notices to all undertakers in this state known to him, at least fifteen days before any embalmer's examination is to be held in the Lower Peninsula, advising them of the time and place where such examination is to be conducted, and shall mail notices to all undertakers in the Upper Peninsula known to him, at least fifteen days before any embalmer's examination is to be held in the Upper Peninsula, advising them of the time and place where such examination is to be conducted. It shall be the duty of the secretary of the State Board of Health to prepare under the direction of the said board, and cause to be printed, all blanks required by this act to be prescribed by the State Board of Health. The secretary of said board shall, between the first and fifth day of July, of each and every year, mail a printed notice to each holder of a license under this act, advising him that his license will expire the thirty-first day of that month, and enclose him therewith a blank application for renewal thereof. The secretary of said board shall also, between the first and fifth days of August, of each and every year, mail a notice to each holder of a license under this act that has not been denewed during the preceding month, advising him of the expiration of his license, and of the penalty for embalming dead human bodies without holding a license under this act, and the conditions and terms upon which his license may be revived and renewed during the month of August. All notices required to be mailed by any provision of this act, shall be directed to the last known postoffice address of the party to whom the notice is sent.

Section 7. The secretary of the State Board of Health shall keep a record of all fees received and expenses paid under this act and make a report thereof annually to the Governor. The fees collected by the State Board of Health under this act shall be used to defray the expenses incurred by said board in following the provisions of this act and enforcing the same, and for no other purpose. Any surplus on hand at the end of each fiscal year shall be covered into the treasury of the state for the benefit of the general fund of the state.

Section 8. The State Board of Health may, upon sufficient proof of the violation of any of the provisions of this act, or of the violation of any rule or regulation prescribed by the said board for the preparation, embalming, shipping or burial of any dead human body, revoke and cancel the license held by any person so violating such provision, rule or regulation.

Section 9. Any person who shall violate any of the provisions of this act shall be deemed to be guilty of a misdemeanor.

Section 10. Act number two hundred thirty-three of the public acts of nineteen hundred one, and all other acts or parts of acts, in any wise contravening the provisions of this act, are hereby repealed.

The power in Michigan is relegated to the State Board of Health and that board has sent me its circular, entitled "Embalming." "Issued for the Guidance of Registrars, Funeral Directors, Physicians and Others," from which I have made extracts that relate to and govern the procedure in that state, and for which the State Board

of Health of Michigan and especially its Secretary, Dr. Frank W. Srumway, of Lansing, is entitled to my thanks and that of this Society.

Mr. Bell stated that he had been directed by the Society at a previous meeting to appoint a committee who should examine into and report on the whole subject to the general Society; that it had been thought wise to send out with the announcement of the June Meeting a letter addressed to the embalmrs and undertakers in the State of New Jersey and a few prominent ones in other States, of which he handed a copy dated June 7th to the Secretary, which was read.

New York, June 7th, 1906.

Dear Colleagues:

I enclose you:

1. Extracts from the Inaugural Address of the President of this Society, Mr. Clark Bell, Esq., introducing the subject of needed Reform in Embalming the bodies of the dead, so as not to interfere with the detection of crime, where death has been caused by poison.

2. Extracts of paper by Prof. H. S. Eckels, read before the Medico-Legal Society, February 17, 1906, proposing the Elimination of Poisons, fatal to human life, when improperly administered, with concurrence of the State Embalming Boards, State Organizations of Undertakers and Funeral Directors; by the use of an Embalming Fluid, which on examination and trial will meet every sanitary requirement, that caution and prudence would suggest.

3. Selections from the remarks made in the discussion of Prof. Eckels' paper and on that subject contained in an article submitted to the International Congress on Criminal Anthropology, at Turin, April 29, 1906, by myself and read before the Medico-Legal Society; and the New Jersey State Funeral Directors' Association, June 2, 1906, at Philadelphia, Pa.

These are sent you to ask you to contribute to the discussion of the questions involved; to co-operate in the effort to call into the movement leading embalmers and undertakers in the various states; so that their views may go before the committee, which has been ordered to be selected by the Medico-Legal Society to examine and report upon the whole subject, in the hope of reaching a safe and speedy solution of the questions which will be thought most likely to secure the aid and co-operation of the State Undertakers and Embalmers of the Nation: and to so interest them as to secure their powerful aid and co-operation along lines of least resistance in the several states.

Please, therefore, aid in bringing into the membership of the Medico-Legal Society a few members from each state, who will make contributions on the subject, which it is thought will be most useful and valuable to go before the Committee, when formed, to be used in giving the reform publicity in the organizations of Funeral Directors, Embalmers and others, so as to obtain their aid and co-operation, thus accomplishing a great public good, and removing from the important work of embalming the bodies of the dead, all unfriendly criticism; creating instead a popular public opinion favoring its propriety and utility; with all the objections caused by the use of poisons, dangerous and fatal to human life removed.

Please give this subject immediate and earnest attention, so that the Committee may report final action speedily.

Kindly send me a list of names and addresses of the most active and intelligent men in your profession to whom you would advise me to send this letter and the literature.

The paper read at Turin and the involved questions will be the theme of discussion at the closing Dinner of the Medico-Legal Society, on June 20th, 1906, at 7 o'clock, at the Hotel St. Andrew's, 72nd Street and Broadway, at a cost of $1.50 per plate without wine, in which it is hoped you will unite and contribute to the discussion.

If unable to attend will you send me your brief views for publication in a symposium which will go before the Select Committee for a final report at the December Meeting of this body.

I remain with high regard,

Very Faithfully Yours,

CLARK BELL,
President Medico-Legal Society.

He stated that it seemed to him on account of the peculiar position of the question in the public mind; that the whole embalming profession should be invited to take up the subject and discuss it, forwarding them the paper which was read this evening which contains the views quoted by the author which Prof. Eckels had previously expressed at a former meeting of the Society; and to invite the embalmers of the whole country and especially the leading ones to contribute their views in writing to the Society during the Summer vacation, and he thought, notwithstanding the fact that the invitation which had just been presented to the embalmers should also be sent to the embalmers as a part of the literature.

Mr. Bell stated that it was a very remarkable fact that the proceedings which had just been closed in the Patrick case before Mr. Recorder Goff, denying Patrick's application for a new trial, had brought to light new facts which lent great interest to the question, now before the Society; for discussion; and in which prominent embalmers from different parts of the country had expressed their views generally upon the subject as to the question which had been assumed to be determined on the trial of Patrick, that the embalming fluid did not enter the lungs of the body of Rice by the embalming process used.

Mr. Bell stated that as far as he had been able to learn, the consensus of opinion among the embalmers throughout the United States was that the embalming fluid by the arterial process which was used in the Patrick case must of necessity and always does enter the lungs, and that this fact lent a very peculiar interest to the whole profession of embalmers because it was a well known fact that Mr. Patrick's conviction had rested upon the assumption by the prosecution that the embalming fluid in the Rice case did not enter the lungs, and the District Attorney had submitted evidence before the jury which convicted Patrick of eminent experts, headed by Dr. Loomis, of this city, which was supported by other physicians of standing that it could not enter the lungs.

This had given the Patrick case great prominence in the consideration of the subject.

The case of Patrick has assumed a unique position. This Society appointed a committee to investigate the death of Rice from a scientific standpoint based on the evidence taken before a jury which convicted him. That committee considered the statements and evidence of Jones, who was alleged to have made a confession of the crime which he confessed he had committed, and that committee composed of Dr. A. P. Grinnel as chairman, and other scientists of position, made a thorough examination of the whole subject, read every particle of the evidence, and reported unanimously, that Jones' statement was incredible and impossible; that the death of Rice was due to natural causes, and that the alleged confession was a subterfuge to free

himself from liability. Their report was adopted by this Society unanimously. After this a movement was made in the interest of Patrick and an application was made to the Governor asking for the pardon of Patrick and an extension of date of execution, which must have followed; when a movement was indiscreetly made to ask the trial Judge who tried him to grant a new trial. This introduced a movement to allow a modification of our judicial system to have him granted a new trial after final decision of Court of last resort which never had the slightest possible chance of success. The effect of this motion was to arrest the effort of the Medico-Legal Society to push for the pardon for Patrick, as it has been demonstrated by the report of our Scientific Committee that the death of Rice was not due to chloroform at all, but to natural causes, which should prevent him from being executed. We published the report of our Committee, which said he was not guilty of this crime, but we were unable to continue our efforts for his pardon pending this motion which was certain to be denied. If the Recorder had granted him a new trial on the evidence, there would never be an end to any criminal trial. That motion met with the fate that such a motion must meet. No matter what may be said of that last proceeding or the mistakes of counsel, we now come to an aspect of the case where, if it is to come before the Governor, he is weary of it, and the people are tired of it. The Governor might claim that he would prefer the law to take its course. In the meantime the United States Court has granted a stay, but when the end comes after the action of the United States Court if it is adverse to Patrick this question must still come before the Governor for a pardon, and this body must again wait to see whether that Court will go into the facts on its merits or of the law of the case.

The jury in the trial of the case believed that the version given by Jones of the manner of the death of Rice was true.

They did not for a moment doubt it. That jury also believed that the embalming fluid did not enter the lungs of Rice.

Dr. Loomis had sworn that it was a physical impossibility and a pathological impossibility. Dr. Loomis' statement was corroborated. The theory of the prosecution was based upon that assumption. The conviction rests upon it. Mr. Justice Gray who wrote the controlling opinion believed that the embalming fluid did not enter the lungs of Rice. That Rice's statement as to the manner of Rice's death and that he (Jones) killed Rice in the manner sworn to by Jones. The majority of the Court who voted with Mr. Justice Gray also believed this. They had not a doubt of its truth.

The facts on which our Committee find Jones' statements to be false impossible, incredible, were all true and indisputable. They were outside the record on which the Court of Appeals decided. The case on appeal to the United States Court must however go upon the record, as it was before the New York Court of Appeals.

The scientific demonstration of the impossibility, the incredibility of Jones' evidence and its demonstrated physical impossibility will still live outside and dehors the record, but if the United States Supreme Court should sustain the New York Court of Appeals, then the application for the pardon of Patrick will rest on the unanswerable logic and report of the committee of the Medico-Legal Society. It demonstrates as a fact that Rice died from natural causes; that his death was not due to chloroform at all, and that the evidence of Jones and his story was false, concocted and invented to secure immunity for himself without one scintilla of truth in it.

Should the Governor be unwilling to take it up, he would have the right and power to name a committee of unbiased men whom he

believed to be unbaised, and they would unanimously report sustaining the action of our Committee, and that would result in the pardon of Patrick.

The most extraordinary thing is that medical men have gone on the stand and swore that it was impossible to have embalming fluid come into the lungs, and there is no embalmer who does not know that this is absurd. Dr. M. M. Smith who is a member of this Society and editor of the Texas Medical News, writes me and publishes in his journal, that the estate of Rice, who was a millionaire, went into the hands of trustees in Texas, and there has been a controversy between the Estate and the Trustees, and they have filed a statement of their expenditures in the trial of Patrick, and they claim to have expended over $200,000 on that trial. They stated the names of eminent counsel who never were suspected of having anything to do with the case. Why does the District Attorney allow it to go on? I cannot understand it, but Patrick is certainly guiltless of the crime for which he was convicted.

Patrick has never been either indicted or tried for the forgery of the will of Rice. If guilty he ought to be indicted. His guilt should not rest on an assumption. It should be on a conviction; upon an indictment and on a trial before a Court and jury, as the law provides for the conviction of this crime.
The District Attorney should have indicted and tried him.

Mr. Justice Gray who writes the prevailing opinion of the Court of Appeals, assumes the guilt of Patrick of the crime of forging the will. The majority of the Court sustain Mr. Justice Gray in that assumption.

What was done with the $200,000 in money and upwards that the Trustees of Rice say was expended by them to secure the conviction of Patrick.

Is it too late to investigate this matter. Who got this money and for what services rendered, may come to be a very interesting question to the parties concerned.

The Chair then announced the following Committee on the subject:

Prof. H. S. Eckels, of Philadelphia, Pa., chairman; R. R. Brinkhurst, of Philadelphia, Pa.; John Maas, Esq., of Louisville, Ky., Judge Wm. H. Francis, of Newark, N. J., Dr. Geo. B. Miller, chemist of Philadelphia, and Chas. W. Springer, of Englewood, N. J.

The Chair then stated that the subject was open for discussion and would be kept open for the whole summer vacation and the contributions sent and received would be referred by the Chair to that committee as fast as possible after reception.

Mrs. Sarah J. Rorer said:

I have been exceedingly interested tonight in listening to the papers and the discussion by so many prominent embalmers, on the use of poison and non-poisonous fluids in embalming the bodies of the dead. The effort being made by the Medico-Legal Society, to eliminate poisons from use in the embalming fluid for the reason that it has prevented the detection of crime by the scientific use of chemistry, appeals to all as praise worthy, and we should hope for the success of the endeavor. It has been my mission for many years to deal with food stuffs and the best way of preserving them. I am now more fully convinced than ever that Foremaldehyde is a dangerous preservative; not on account of its poisonous qualities, but from the fact that it hardens flesh foods and renders them indigestible.

The subject was discussed by Prof. Eckels; Mr. J. H. Sexton, a leading embalmer of Asbury Park, N. J.; Mr. Charles W. Springer, of Englewood, N. J.

Hon. J. F. Martin, of Elizabeth, New Jersey, member of the State Legislature of New Jersey, was called upon by the Chair for his opinion as to whether in properly embalming a body by the arterial process the fluid would penetrate the lungs.

All of whom said that the embalming fluid did and must enter and permeate the lungs.

The Society adjourned at a late hour, subject to the call of the Chair if necessary for the consideration of the report of the Committee before the regular date of meeting.

CLARK BELL,
President.
A. W. BLOOMER,
Assistant Secretary.

NOTES ON TUBERCULOSIS.

TUBERCULOSIS AND THE NOVEMBER AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

To all who wish to enlist in the pending conflict with Tuberculosis, men of the professions or the intelligent laity of all classes, the call of the American International Congress on Tuberculosis for a great gathering of all the countries in the Western Hemisphere, on the 14th, 15th and 16th of November next, in New York City, must be full of interest.

It last met at the World's Fair Exposition, at St. Louis, in October, 1904, and was attended by a large delegation from the Dominion of Canada, where its President, Dr. E. J, Barrick, resided.

It was held under the patronage of the Government of the United States.

More than twenty of the Governors of the American States were upon its roll of Honorary Vice-Presidents. Every State and Territory in the American Union was represented by one or more Vice-Presidents.

Men of the front rank of the Medical profession were in its management from all sections of the Union.

Representatives of the Republics of Central and South America, and from all the Provinces of the Dominion of Canada were in attendance, and took a deep interest in its work.

The Bulletin of its labors, containing nearly 500 pages with more than 100 portraits of its officers and members, appear in this volume. Its membership is only $1.00 per annum.

The Medico-Legal Journal will be sent to every officer and member of the Congress and to every delegate to it for half price, if paid in advance.

It claims the public support.

Consumption is the deadly foe of the human race.

The success of Preventive Legislation, through which course we hope to arrest and miminize its dangers, is now our last refuge.

It is not a medical question, and while medical men are profoundly interested in it, and can and are doing splendid work in co-operation with men of all professions, it has been demonstrated that a body composed of Medical men only and managed by Medical men alone cannot hope to succeed in averting this great evil.

This body does not occupy itself with the subject of treatment. That is a medical question and it is broad and wide enough to demand all the ability and energy of the Medical profession in its elucidation.

The National Medical Association against Tuberculosis will have its hands full with the treatment and the cure of Tuberculosis. It is a question for the Legislature in each State in the American Union not only, but for every State, Colony and Province of all the Countries in this Western Hemisphere. The reverned clergy have a great duty to perform in its work and they have done and are doing it.

The many sided and intricate questions of municipal sanatoria is one of the great questions involved.

The education of the masses of our people to favor proper legislation, secure its passage, and enforce regulations when adopted by the Legisture, is the mission of the work of this body.

Men and women of all professions and outside the professions are invited and urged to enroll in this effort and co-operate in its work. The newly elected Governors of States will be invited to co-operate and to send delegates.

The Governors of Arizona, Colorado, Connecticut, Kansas, California, New Jersey, Missouri, New York, Virginia, West Virginia, and Wisconsin have already sent favorable replies as we go to press and those which respond later will be duly announced. Every Foreign Government in the Western Hemisphere has been invited to send representatives.

The official invitation will be sent to every State Medical Association and Society, medical and legal, that are at all interested. Boards of Health and the County Medical Societies of all the States and dependences will be welcome and their representatives received.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS ENDORSED BY THE AMERICAN GOVERNMENT.

The Treasurer of the International Congress on Tuberculosis has received the following letters from the American State Department:

Department of State,
Washington, June 5, 1906.

Clark Bell, Esquire,
Treasurer of the American International
Congress on Tuberculosis,
29 Broadway, New York.

Sir:—

In reply to your letter of April 2d last, I have to inform you that on May 31 instructions were sent to American Diplomatic officers in American States to support the invitation extended by the American International Congress on Tuberculosis to send delegates to its meeting in November next.

In compliance with your request the instruction sent by Mr. Hay concerning the meeting of the Congress at St. Louis was embodied in the instructions sent on the 31st ultimo. I enclose a printed copy of them.

On the same day the American diplomatic representatives in Great Britain, France, Denmark and the Netherlands were directed to support the invitation to their respective American colonial possessions to be represented at the Congress.

I am, Sir,

Your obedient servant,

ROBERT BACON,
Acting Secretary.

Enclosure:

To American Diplomatic Officers in American States,
May 31, 1906.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

Department of State,
Washington, May 31, 1906.

To the Diplomatic Officers of the United States
in American States.

Gentlemen:—

The Department is informed by the Executive Committee, of the American International Congress on Tuberculosis, that they have

sent to the Government of each American Country an invitation for official representation by that Government in the next session of the Congress, which will be held at the City of New York during the three days of November 14, 15 and 16, 1906; and the request is made of the Department to give such support to the invitation as it proprely may.

In instructing the diplomatic officers to give their support to a similar invitation extended by the Congress for their St. Louis meeting in 1904, my predecessor, Mr. Hay, said:

"The humanitarian object which this Congress has in view—to reach by the discussion of scientific men, some result in arresting the spread and averting, so far as it may be found possible, the ravages of this dreadful disease, which now falls with such terrible force and fatality upon the people of the Western Hemisphere—cannot but enlist the sympathy and approval of the Government to which you are accredited.

"The Department will, therefore, be pleased to have you say to that Government that this Government is in entire sympathy with the work of the proposed Congress, and would be pleased to learn that the Government of ..... took a like interest in its success by the acceptance of the Committee's invitation and the appointment of three or more scientific gentlemen to represent it at the Congress.

"This Government would also be pleased if that of ..... could find it convenient to comply with the request of the Committee to give the matter publicity, in order that it may come to the knowledge of interested organizations and public spirited citizens of that country."

The Department will be pleased to have you present the matter of the New York Meeting in the same light.

I am, Gentlemen,

Your obedient servant,

ELIHU ROOT.

The following correspondence will be of great interest to those interested in the November Session of the American International Congress on Tuberculosis in this City.

Letter of Mr. Clark Bell to the American Secretary of State of June 15th, 1906.

Office of the Treasurer, No. 39 Broadway,
New York, June 15, 1906.

Honored Sir:

In the name of the Executive Officers and of the Governing Council of the American International Congress on Tuberculosis, I thank you for the letter of June 5th, 1906, you sent me and which I am directed to acknowledge with our best thanks.

When you place the enormous moral force and influence of the Government of the United States behind the efforts of this organization in an effort which has been so felicitously expressed by that great and good man, John Hay, your predecessor in the exalted station you occupy, you have placed the American Government in the line with those great powers of the world, who have aided the labor of the world of Science, by their encouragement, their support and their sympathy.

I have the honor to enclose a copy of an editorial article from the advance sheets of the Medico-Legal Journal which is the official organ of this Congress, which will go out with the same number which contains a full copy of your letter to myself.

To make your action most effective in the Latin Repcblics, in the Western Hemisphere, the same invitation should be translated into the Spanish language, and a printed copy of the same sent, not only to the Presidents of the Spanish speaking countries, but to the press of all these countries, as early as possible.

Can the Government all to the obligations we are still under, by aiding us in this regard, and, if possible, with a list of the leading lay and medical Journals of the Spanish speaking countries, to whom we desire to transmit such literature as from time to time is sent out.

With high consideration and with heartfelt thanks to you personally for the kind and splendidly sympathetic manner in which you have placed the success of the Congress beyond all doubt or question, believe me, Sir,

Yours ever faithfully,
CLARK BELL,
Treasurer and Secretary of the Governing Council.

To the Hon. Elihu Root,
Secretary of States.

Washington, D. C., July 5, 1906.

Clark Bell, Esq.,
Treasurer and Secretary, Governing Council of the American International Congress on Tuberculosis, 339 Broadway, N. Y.

Sirs:—

Your letter of the 15th ultimo, addressed to the Honorable the Secretary of State, has been referred to this Bureau.

In reply, I beg to inform you that we will be pleased to comply with your request regarding the translation into Spanish and communication to the Governments and Press of the Latin-American Republics of the editorial from the Medico-Legal Journal, as soon as copy of same is received by us, in order that said editorial may receive the widest possible circulation in the countries referred to, it will give us great pleasure to publish it in the Monthly Bulletin of this Bureau.

Concerning the list of the leading lay and medical Journals of the Spanish-speaking countries, which you request, said list is now being prepared and will be forwarded to you as soon as it is completed.

I am, Sir, Your obedient servant,

Z. J. YENES,
Acting Director."

ARIZONIA.

The President of the Congress has received the following reply from the Governor of Arizonia:

Office of the Governor.
Phoenix, Arizona, June 11th, 1906.

Dr. F. E. Daniel,
Austin, Texas.

Dear Sir:

I am just in receipt of your circular notes of the 31st ultimo. I shall be pleased to appoint two delegates (that being the number to which Arizona is entitled under your suggested apportionment) to the "American International Congress on Tuberculosis," to be convened in New York commencing on the 14th of November, 1906.

I have asked the President of our Territorial Board of Medical Examiners to suggest names of persons to be designated as delegates and upon his report I will nominate delegates and advise you accordingly. Respectfully,

JOS. H. KIBBEY,
Governor of Arizona.

CALIFORNIA.

The Governor of California, one of the Honorary Vice-Presidents of this body, has sent the following reply to the invitation of the Committee, to address the Congress:

We shall announce the list of delegates when announced from the several States and regret that we are unable to do so in our current Number.

Executive Department, State of California.
Sacramento, May 30, 1906.

Clark Bell, Esq.,
Treasurer International Congress on Tuberculosis,
39 Broadway, New York City.

Dear Sir:

I am in receipt of an invitation to attend the session of the International Congress on Tuberculosis, to be held in New York next November, and also have been honored with an invitation to make an address in connection with the opening ceremonies of the Meeting.

The importance of the National and International movements for the extirpation of tuberculosis is great enough to commend the cause to all intelligent persons, but only the physicians can appreciate the real necessity for an aggressive campaign, in which all the forces of civilization shall be combined, to abate the great scourge which hurries to a premature grave so many millions of our race. As a medical man I am in full sympathy with this great cause, and wish to see the movement pushed on with all possible vigor.

It is not probable, however, that my public duties will permit me to absent myself from the State long enough to attend the Congress next November, which will be a matter of much regret to me. But I desire to express my gratification in the progress of the anti-tuberculosis campaign and also to acknowledge with thanks the honor done me in inviting me to be one of the speakers.

Very truly yours,
GEO. C. PARDEE,
Governor of California.

Dr. N. K. Foster, one of the ablest sanitarians of the United States, Secretary of the State Board of Health of the State of California, writes the Management of the Congress expressing his deep interest in the work.

He is in the Council of the Congress and has done good work in the conflict. His letter is as follows:

California State Board of Health,
Sacramento, July 11, 1906.

Clark Bell, Esq.,
39 Broadway, New York.

Dear Sid:

It will be entirely impossible for me to attend the coming sessions of the American International Congress on Tuberculosis. This I regret exceedingly, for I appreciate fully the great good to be derived from them. The distance, however, and the vast amount of work on hand will prevent my being there.

With one in every six of our deaths resulting from tuberculosis, there can be no gainsaying the fact that the fight against this disease is second to none in importance. The contest is too broad and involves too much to be narrowed to any one claim or profes-

sion. It is a question requiring the best thoughts of our best statemen, and it is a hopeful sign to see the interest they are taking.

Through the efforts of this and similar associations, systematizing the work and educating the people, we can confidently expect to see the death rate from tuberculosis steadily decrease.

Yours very truly,

N. K. FOSTER,
Secretary State Board of Health.

PRINCE EDWARD ISLAND, DOMINION OF CANADA.

The Governor of Prince Edward Island, Hon. D. A. Mackinnon, sends the following reply:

"Government House, Prince Edward Island, 2 July, 1906.

Clark Bell, Esq.,
Treasurer, American International Congress on Tuberculosis,
39 Broadway, New York.

Dear Sir:

Your letter is received and it will be a pleasure for me to accept the honor you have kindly offered and I feel that by this great stirring up of the subject more intent application of the medical mind will be brought to bear upon the question and a cure result.

We have a phase of rheumatism which I count a very serious affliction, but I see doctors are grappling with it afresh while admitting for years there is no cure.

I shall also if at all possible be pleased to be present at your Convention in November to do what little I can.

We have an association here of which I am Honorary President, but it is not so full of life as I would wish.

With best wishes for success,

Yours truly,
D. A. MACKINNON, K. C."

COLORADO.

Colorado is the first of the States to name her delegates, and it is a good example.

The following letter has been received from the Governor:

State of Colorado, Executive Chamber,
Denver, June 20th, 1906.

Clark Bell, Esq.,
39 Broadway, New York.

Dear Sir:

In compliance with your request, I beg to enclose herewith a list of delegates I have appointed to represent the State of Colorado at the American International Congress on Tuberculosis, to be held in New York City November 14th to 16th, 1906.

I notice from the printed matter sent me that Colorado would be entitled to ten delegates, but I have appointed a large number with the hope that we would be represented by a full delegation.

I very much regret it will be absolutely impossible for me to be present as requested, as at that season of the year my duties will require my presence in Colorado preparing for the session of the legislature which convenes the first of the year,

Very truly yours,
JESSE F. McDONALD,
Governor.

Enclosure.

State of Colorado, Executive Chamber, Denver.
Executive Order,

Delegates, American International Congress on Tuberculosis. Ordered:

That the following named persons be and they are hereby appointed Delegates to represent the State of Colorado, at the American International Congress, to be held at New York City November 14th to 18th, 1906:

Wm. M. Robertson, M. D.,
946 11th Street, Denver.
Hugh L. Taylor, Secretary,
State Board of Health, Denver.
P. O. Hanford, M. D.,
Colorado Springs, Colorado.
H. O. Dodge, M. D.,
Boulder, Colorado.
W. W. McEwen, M. D.,
Durango, Colorado.
Minnie C. T. Love, M. D.,
1440 Glenarm Street, Denver.
B. L. Jefferson, M. D.,
Steamboat Springs, Colorado.
Charles F. Andrews, M. D.,
Longmont, Colorado.
R. W. Corwin, M. D.,
Pueblo, Colorado.
H. G. Wetherill, M. D.,
506 California Bldg., Denver.
A. J. McDonald, M. D.,
Leadville, Colorado.
Matt R. Root, M. D.,
208 Jackson Block, Denver.
R. F. Graham, M. D.,
Greeley, Colorado.
C. P. Conroy, M. D.,
1345 Grant Avenue, Denever.
Hubert Work, M. D.,
Pueblo, Colorado.
George B. Packard, M. D.,
1344 Franklin Street, Denver.
F. N. Carter, M. D.,
Canon City, Colorado.
William H. Davis, M. D.,
1105 Sherman Avenue, Denver.
M. A. Robeson, M. D.,
Victor, Colorado.
John F. Roe, M. D.,
Salida, Colorado.
Ella A. Mead, M. D.,
Greeley, Colorado.
Edward A. Whitmore, M. D.,
Leadville, Colorado.
L. M. Giffen, M. D.,
Boulder, Colorado.
Andrew J. Robinson, M. D.,
Aspen, Colorado.
J. N. Hall, M. D.,
308 Jackson Block, Denver.
Luke MacLean, M. D.,
Pueblo, Colorado.
S. G. Bonney, M. D.,
1437 High Street, Denver.
Wm. W. Crook, M. D.,
Glenwood Springs, Colorado.
C. E. Cooper, M. D.,
510 California Bldg., Denver.
W. T. Little, M. D.,
Canon City, Colorado.
Melvin J. Tracy, M. D.,
Saguache, Colorado.
Norman Mackintosh, M. F.,
Gunnison, Colorado.
H. R. Bull, M. D.,
Grand Junction, Colorado.
O. M. Gilbert, M. D.,
Boulder, Colorado.
L. G. Crosby, M. D.,
Ouray, Colorado.
F. H. Greedy, M. D.,
411 Opera House Block, Denver.

Given under my hand and the Executive Seal this twentieth day of June, 1906.

JESSE F. McDONALD,
Governor.

(Seal.)

CONNECTICUT.

The State of Connecticut has been the first to respond.

Governor Henry Roberts sends the following response, accepting the Honorary Vice-Presidency:

State of Connecticut, Executive Department. (Seal)
Hartford, May 16, 1906.

Hon. Clark Bell, Treasurer.
American International Congress on Tuberculosis,
39 Broadway, New York.

Sir:

I have the honor to acknowledge the receipt of your letters of May the seventh and the fifteenth, inviting me to attend the opening ceremonies of said Congress, to be held in New York City, November fourteenth to sixteenth next.

Permit me to assure you how sincerely I appreciate the honor of this invitation, but to advise you regretfully that, owing to prior engagements for that month, it will be impossible for me to attend.

I am in most hearty sympathy with the aims of this Congress and will take pleasure in naming persons residing in this State as delegates who have sympathy with this movement, some of whom I trust will take part in the proceedings of the Congress.

I enclose, under another cover, photograph you desire, and shall feel honored to be numbered among the Vice-Presidents of the Congress.

Thanking you for the compliment you pay me in this invitation and wishing the Congress the best of results in the conclusions which it reaches, I have the honor to remain, dear Sir:

Very truly yours,
(Signed) HENRY ROBERTS.

P. S. I beg to say further that this State has established two sanatoria which are accomplishing good results in the ends which they seek to obtain. H. R.

FOREIGN GOVERNMENTS.

The call of the Congress, with a list of the officers as elected at the St. Louis Congress of 1904, has been sent to all the Presidents of the Spanish-speaking Republics in the Western Hemisphere, with a copy of the invitation to speak and take part in the opening ceremonies, to send delegates to the Congress, and the same will also be sent to all the other Provincial and Colonial Governments; to the Foreign Embassies, at Washington, D. C., and to all the Consul Generals in the City of New York representing Foreign Governments here in the United States.

HAWAII.

Dr. W. L. Moon, of Honolulu, has been appointe l by the Select Committee, Vice-President of the American International Congress on Tuberculosis for Hawaii, on recommendation of Dr. E. S. Goodhue, the Government Physician at Holualoa Kona, Hawaii.

Dr. E. S. Goodhue, of Holualoa Kona, the Government Physician at that point, has been duly appointed a Vice-President from Hawaii on the recommendation of the Committee. Dr. E. S. Goodhue has been devoting several

years to the study of leprosy in Hawaii, in conjunction with his brother, Dr. W. J. Goodhue, Medical Superintendent of the Leper Settlement at Molokai, who have also made researches as to the bacillus leprae in both the mosquito and bed bug.

The two brothers, W. J. and E. S. Goodhue, are jointly preparing an exhaustive work on Leprosy which will shortly appear and from advance sheets, of which we hope to make early extracts, in which W. J. Goodhue will claim to have found and demonstrated the Bacillus Leprae.

KANSAS.

The Governor of Kansas has made the following response to the letter of invitation and his name has been added to the list of Honorary Vice-Presidents from that great State:

Executive Mansion,
Topeka, Kansas, May 21, 1906.

Dr. M. M. Smith, Secretary,
American International Congress on Tuberculosis,
Austin, Texas.

I am in receipt of a circular letter and other literature announcing that an International Congress on Tuberculosis will be held in New York November 14, 15, 16, to which I am requested to send delegates and before which I am invited to make an address. I will name the delegates in a short time, but it will be impossible for me to attend the Congress in person.

The Congress will have under consideration a question of more vital importance, perhaps, to human life and happiness than any other single question that can come before the members of your profession. All the wars of human history dwindle into insignificence in their mortuary record compared to the ravages of tuberculosis, and medical science can be directed in no channel of greater concern to the human race than that for which this Congress is called.

Trusting that this Congress may put into the hands of your noble profession new and more effective weapons against this great common enemy, I am

Very truly yours,

E. W. HOCH.

MISSOURI.

The State of Missouri led in the race of naming delegates to the St. Louis Congress.

Her Governor has chosen delegates for the Congress of November, 1906. The following is his letter. He will be elected an Honorary Vice-President from that splendid State:

Office of the Governor, State of Missouri,
City of Jefferson, May 24, 1906.

Dr. E. E. Daniel,
President, 39 Broadway, New York City.

Dear Sir:

Complying with your request to name delegates to the Tuberculosis Congress, the following have been designated:

Dr. W. U. Boyliss, Macon.
A. I. Watson, Linn Creek.
E. M. White, Warsaw.
R. B. Woodward, Elwood.
C. L. Muir, Fayette.
I. H. Hunter, Polo.
Dr. W. A. McCandliss, St. Louis
Dr. John R. Hall, Marshall.
Dr. C. H. Christian, New Bloomfield.
Dr. R. S. Robinson, Troy.
Dr. I. W. Powell, Holcomb.

Very truly,
C. W. FOLK, Governor.

TEXAS.

Gov. S. W. T. Lanham has appointed to the November Session of the American International Congress on Tuberculosis, in New York City, the following delegates from Texas:

The following officers have been elected in this grand State:

Honorary President, Hon. S. W. T. Lanham, Governor of the State of Texas; Honorary Vice-Presidents, Hon. D. F. Houston, LL. D., President of the University of Texas; Hon. George R. Tabor, M. D., State Health Officer for the State of Texas.

President F. E. Daniel and M. M. Smith, Secretary, are both residents of Austin, Texas. They have made special and personal effort to make the delegation from their State a notable one. The personnel of this delegation merits especial notice and mention.

DELEGATES FOR THE STATE AT LARGE.

Dr. Boyd Cornick, San Angelo, Texas.
Dr. M. J. Bleim, San Antonio.
Dr. Malone Duggan, San Antonio.
Dr. M. B. Grace, Seguin.
Dr. A. E. Spohn, Corpus Christi.
Dr. J. W. McLaughlin, Austin.
Dr. B. M. Worsham, Austin.
Dr. J. H. Florence, Dallas.
Dr. M. L. Graves, Galveston.
Dr. C. H. Wilkinson, Galveston.
Dr. R. W. Knox, Houston.
Dr. I. C. Chase, Ft. Worth.
Dr. J. E. Gilcreest, Gainesville.
Dr. S. R. Burroughs, Buffalo.
Dr. J. T. Wilson, Sherman.
Dr. G. B. Foscue, Waco.
Dr. H. W. Cummings, Hearne.
Dr. Bacon Saunders, Ft. Worth.
Dr. W. G. Jameson, Palestine.
Dr. C. A. Smith, Texarkana.
Dr. W. N. Vilas, El Paso.
Dr. J. A. Rawlings, El Paso.
Dr. John Preston, Abilene.
Dr. P. C. Coleman, Colorado City
Dr. A. S. Garrett, Springtown.
Dr. D. R. Fly, Amarillo.
Dr. C. M. Alexander, Coleman.
Dr. B. F. Kingsley, San Antonio.
Dr. Nettie Klein, Texarkana.
Dr. W. W. Wilcox, Laredo.
Dr. T. J. Bennett, Austin.
Dr. J. C. Anderson, Granger.
Dr. F. W. Kirkham, Cuero.
Dr. John T. Moore, Galveston.
Dr. C. W. Truhart, Galveston.
Dr. D. S. Weir, Beaumont.
Dr. W. B. Collins, Lovelady.
Dr. E. N. Shaw, Cameron.
Dr. O. I. Halbert, Waco.
Dr. Albert Woldert, Tyler.
Dr. J. J. Roberts, Hillsboro.
Dr. J. M. Frazier, Belton.
Dr. S. P. Rice, Marlin.
Dr. C. B. Raines, Mineral Wells.
Dr. Alfred Irby, Weatherford.
Dr. C. M. Rosser, Dallas.
Dr. D. J. Jenkins, Daingerfield.
Dr. J. C. Loggins, Ennis.
Dr. M. Smith, Sulphur Springs.
Dr. J. A. Daniels, Carthage.

In this list we find such distinguished men as the following: J. W. McLaughlin, formerly president of the State Medical Association of Texas and ex-professor of the Practice of Medicine in the Medical Department of the University of Texas. B. M. Worsham is now superintendent of the State Lunatic Asylum at Austin, Texas. M. L. Graves, ex-superintendent of the Southwestern Insane Asylum, San Antonio, and professor of the Practice of Medicine in the Medical Department, University of Texas. R. W. Knox, chief surgeon of the Southern Pacific Railroad system. J. E. Gilcreest, ex-president of the State Medical Association of Texas. S. R. Burroughs, president of the Board of Medical Examiners for the State of Texas. J. T. Wilson, ex-president of the State Medical Association of Texas, ex-president of the Terrell Insane Asylum of Texas, ex-president of the Board of Medical Examiners for the State of Texas. G. B. Foscue, president of the State Medical Association of Texas. Bacon Saunders, ex-president of the State Medical Association of Texas, one of the leading surgeons of this State. W. G. Jameson, chief surgeon of the I. & G. N. Railroad. C. A. Smith, chief surgeon of the Santa Fe Railroad. John Preston, superintendent of the State Epileptic Colony, Abeline, Texas. Many other men on this list possessing State wide and some National reputation.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

VIRGINIA'S RESPONSE.

The State of Virginia responds most splendidly to the appeal for sympathetic aid and support.

We hope that Governor Swanson will make an address either at the opening or during the proceedings of the November Congress and he will be asked to take the chair at one of the sessions for that purpose, and to help to arouse men of all the professions in the Seaboard States in the work of the Congress.

Commonwealth of Virginia, Governor's Office,
Richmond, Va., June 25, 1906.

Mr. Clark Bell, Treasurer,
39 Broadway, New York, N. Y.

My Dear Sir:

I am in receipt of your circular letter of May 24 and in reply will say that I will be very glad indeed to act as one of the Honorary Vice-Presidents of the American International Congress on Tuberculosis. I take a great deal of interest in the work undertaken by this Congress and I will be glad to co-operate in every possible way to aid in the prevention of this terrible scourge of the human race. If I can possibly do so I will be glad to attend the Congress. I wish to assure you of my profound interest in its proceedings. I send enclosed a list of the delegates appointed by me to attend the Congress, to be held in New York City, on November 14, 15 and 16.

With consideration of high esteem, I am,

Very truly yours,

CLAUDE A. SWANSON,
Governor of Virginia.

Governor's Office,
Richmond, Va., June 25, 1906.

Secretary of Commonwealth.

Sir:—Let Commissions issue to the following persons as delegates from Virginia to the American National Congress on Tuberculosis, which meets in New York City, November 14, 15 and 16, 1906:

Dr. Stuart McGuire, Richmond.
Dr. M. M. Pearson, Bristol.
Dr. John Dunn, Richmond.
Dr. Ennion G. Williams, Richmond.
Dr. H. M. Nash, Norfolk.

Delegates at Large.

Dr. R. S. Martin, Stuart.
Dr. Samuel W. Hobson, Newport News.
Dr. J. Hack Avers, Accomac.
Dr. J. Singleton Belt, South Boston.
Dr. E. T. Rucker, Manchester.
Dr. W. J. Test, Richmond.
Dr. W. F. Drewry, Petersburg.
Dr. J. C. Walton, Chase City.
Dr. J. B. DeShazo, Ridgeway.
Dr. W. C. Barker, Buchanan.
Dr. W. W. West, Brookneal.
Dr. J. A. Gale, Roanoke.
Dr. Thomas M. Dunn, Free Union.
Dr. W. J. Strother, Culpeper.
Dr. Wm. M. Smith, Alexandria.
Dr. S. W. Dickinson, Marion.
Dr. George E. Wiley, Bristol.
Dr. J. H. Abbott, West Appomattox.
Dr. J. S. DeJarnette, Staunton.

Respectfully,
CLAUDE A. SWANSON,
Governor.

Office of the Treasurer, 39 Broadway,
New York, June 26, 1906.

Honored Sir:

Your highly appreciated and deeply sympathtic letter gladdens the hearts of the management of the November Congress in New York.

Your name will be enrolled on our Honorary list of Vice Presidents from the Commonwealth of Virginia.

You are invited to make an extended address and preside at one of the Sessions of the Congress if unable to speak at the opening ceremonies.

Kindly send me your photograph for reproduction.

We hope that the enrollment of men of all professions in your State will be large. Very faithfully yours,

CLARK BELL,
Secretary of the Council.

To Hon. Claude A. Swanson,
Governor of Virginia, Richmond.

P. S. Please give publicity to the enclosed action of the American Secretary of State and the call of the Congress in your State.

WEST VIRGINIA.

The Governor of this State sends his sympathetic view, which will be shortly followed by the delegates from that State. His letter is as follows:

State of West Virginia, Governor's Offices,
Charleston, July 13, 1906.

Clark Bell, Esq., Treasurer,
39 Broadway, New York City.

Dear Sir:

Replying to yours of May 24th concerning the meeting of the American International Congress on Tuberculosis, to be held in New York City November 14, 15, 16, I beg to say that I can not promise to attend this meeting, because it is probable that official duties at that time will take all my attention, as our legislature meets in its biennial session in January, 1907.

If I should attend I do not think I would make an address. I do not think I have such exclusive information about this disease, or the purposes of the Congress, as will enable me to say anything that would be worth the time of the delegates. I am in full sympathy with the purposes of the Congress, and desire to aid it in any way I can. Tuberculosis is such a dread disease, and its victims are so numerous, that every effort should be made to lessen the alarming mortality.

I am appointing a list of delegates from West Virginia, to attend your Congress, and I will send you the names and postoffice address thereof in a few days so that you can communicate with each delegate if you desire, and as I think you should.

Very truly yours,

WM M. O. DAWSON.

The New York Herald, of July 9th, 1906, made the following announcement of the November International Congress on Tuberculosis, November, 1906:

NATIONS TO CONFER ON TUBERCULOSIS.

International Congress Under United States Auspices to Be Held Here in November.

An international congress on tuberculosis is to be held in this city November 14, 15 and 16. A large attendance of physicians and laymen from every State in the Union has already been promised, and because of the action of the State Department, which recently sent a special circular on the subject to every American representative abroad, it is expected that every European nation will send at least three delegates.

Before his departure for South America Elihu Root, Secretary of State, asked that the Governments of Great Britain, France, Denmark and the Netherlands be informed by the American representatives in those countries of the great importance of the coming Congress and be directed to support the invitation already sent to their respective Colonial possessions to be represented in the Congress.

At about the same time, a circular sent to every American diplomatic representative in Europe, embodying a former document sent out by the late Secretary Hay, informed them that: "The American Government was in entire sympathy with the work of the proposed Congress and would be pleased to learn that the Government of —— took a like interest in its success by the acceptance of the committee's invitation and the appointment of three or more scientific gentlemen to represent it at this Congress."

The principal purpose of the coming Congress will be that of urging preventive legislation against tuberculosis, the adoption of municipal and governmental sanitariums, and discussion of all the questions involved in the struggle against the great scourge of the race.

All the boards of health and organizations against tuberculosis in the United States and all the State, Provincial and County Medical organizations have been already informed of the subjects to be discussed, and the members of the Executive Committee have received assurances of a large attendance of American doctors from all over the country.

EDITORIAL.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

We print under this heading in the new volume 24, commencing with this number, the call for the American International Congress on Tuberculosis for the Meeting to be held on November 14th, 15th and 16th, 1906, at the City of New York, and will, under this head, continue to publish such matter of importance in relation to it and we think will be of interest. The call was as follows:

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

The Officers of this Congress announce its next Session for November 14, 15 and 16, 1906, at the City of New York.

The published call is as follows:

Office of the President,
Austin, Texas, February, 1906.

The Executive Officers of the American Congress on Tuberculosis, with the approval of its Governing Council announce that the body will hold a Congress in the City of New York, commencing the 14th day of November, 1906, to be held three days.

All the Officers, members and delegates are invited to attend, and to contribute papers; to be read at the Congress, and to send the title of papers to the Secretary as early as possible.

This Congress will be open to members of all the professions, legislators, statesmen, the intelligent laity and the Rev. Clergy.

An enrolling fee of $3.00 is solicited to defray the expenses of a Bulletin which should be sent forthwith to the Treasurer.

All the Governments in the Western Hemisphere are invited to send delegates to this Congress and to co-operate in its labors.

The Public Press, lay and medical, are hereby invited to give publicity to this announcement.

F. E. DANIEL, M. D.,
Austin, Texas,
President.
MATTHEW M. SMITH, M, D.,
Austin, Texas,
Secretary.
CLARK BELL, ESQ., LL. D.,
39 Broadway, New York,
Treasurer.

The foregoing announcement and call for the session of the American International Congress on Tuberculosis as signed by the Executive Officers, is hereby approved by a majority of the Governing Council and Board of Executive Officers:

MEMBERS OF THE COUNCIL:

Dr. J. Mount Bleyer, of New York City.
Dr. N. K. Foster, State Board of Health, Sacramento, Cal.
Dr. A. P. Grinnell, 500 Fifth Avenue, New York City.
Dr. Denslow Lewis, Chicago, Ill.
Dr. H. Edwin Lewis, Vice Chairman, Journal International Surgery, New York City.
Dr. Andrew C. Smith, President State Board of Health, Portland, Oregon.

The following officials have signed their names to the foregoing call, or authorized the Secretary or Treasurer to sign for them:

HONORARY AND EX-PRESIDENTS.

E. J. Barrick, M. D.
A. N. Bell, M. D.

VICE AND EX-VICE PRESIDENTS.

Chas. Wood Fassett, M. D., of St. Joseph, Mo.
Chas. K. Cole, M. D., New York City, late of Montana.
A. M. Linn, M. D., DesMoines, Iowa.
Hon. L. Bradford Prince, Santa Fe, N. M.
N. O. Nelson, Esq., St. Louis, Mo.
Dr. Sofus B. Nelson, Pullman, Washington.

EX-MEMBERS OF COUNCIL.

Moritz Ellinger, New York City, Chairman.
M. K. Kassabian, M. D., Philadelphia, Pa.
R. J. Nunn, M. D., Savannah, Ga.
W. F. Drewry, M. D., Petersburgh, Va.
J. W. P. Smithwick, LaGrange, N. C.
T. D. Crothers, M. D., Hartford, Conn.
J. C. Shrader, M. D., Iowa City, Iowa.

VICE PRESIDENT-AT-LARGE.

T. D. Crothers, M. D., Hartford, Conn.
I. C. Shrader, M. D., Iowa City, Iowa.
Louis LeRoy, M. D., Nashville, Tenn.
Prof. J. H. Tyndale, M. D., Lincoln, Nebraska.

VICE PRESIDENTS OF STATES

Alfred E. Regensburger, M. D., San Francisco, Cal.
Sophie Hinzie Scott, M. D., DesMoines, Iowa.
Mary J. Ardery, M. D., Knoxville, Tenn.
Wm. Lee Howard, M. D., Baltimore, Md.
Geo. W. Grover, Nashua, N. H.

Francis R. Fast, Secretary for Spanish Speaking Countries, 39 Broadway, New York City.

This call is intended to be addressed to every member of the American International Congress on Tuberculosis, and to each and every delegate accredited to the Congress since its organization, in February, 1900, and to all citizens interested in the conflict for the suppression of Tuberculosis. It will be sent especially to all Boards of Health and organizations against Tuberculosis in the Western Hemisphere, including State, Provincial and County Medical Organizations, who it is hoped will send three delegates from each body and advise us of names and addresses.

The Governors of the various States whose names are now on its lists of Honorary Vice Presidents are requested to give this notice publicity, both in the States, Territories and dependencies of the American Union, also the Executives of all the Governments in the Western Hemisphere, with the Governors of the States and Provinces therein, are requested to give this announcement publicity, so that it may reach men of science in all those countries interested in the conflict with Tuberculosis, that they may co-operate in the great problem of Preventive Legislation against Tuberculosis; Municipal and Governmental Sanitariums; and all the questions involved in the struggle, with the great scourge of the race.

The Bulletin of the Congress of 1904 is now ready and has been sent to subscribers. So long as the Editon lasts it will be sent on application to the Medico-Legal Journal on receipt of $2.00. It is a large volume of 476 pages, with a large number of illustrations. If any subscriber has not received the Bulletin he is requested to apply for it at once.

The Medico-Legal Journal will send a copy of Vols. 22, 23 and 24 to any member or delegate to this Congress at half price, $1.50, if paid in advance.

Members and delegates who desire to enroll will remit the enrolling fee of $3.00, and will be entitled to receive the Bulletin of the Congress free, if enrolling fee is sent to the Treasurer, Clark Bell, Esq., 39 Broadway, New York. Members of the organization who do not wish to enroll can retain their place as members on the payment of the annual dues of $1.00.

Contributions to defray the expenses of the Congress are solicited by the Executive Officers.

The following letter has been ordered by the Govehning Council to be sent out by the Treasurer, to all members and former delegates to the Congress and to such bodies, organizations and persons who take an interest in such work:

Office of the Treasurer, 39 Broadway,
New York, 1906.

Dear Colleague:

The prospect of the coming session of the Congress on November 14, 15 and 16, 1906, are very gratifying to the Management.

The Government of the United States maintains its former position of high sympathy for the work of the body and has encouraged our officers by consenting to send the invitations to Foreign Governments inviting them to send Delegates to this Congress through the State Department of the American Government. The proposed meeting in the City of New York now bids fair to be much larger and more important than any previous session of the body.

Boards of Health in all the States and Provinces of the Western Hemisphere; State Medical Societies, or Legal and Medical Societies in every State, Country, Province or Colony in the Western Hemisphere are invited to co-operate and contribute to the labors and to send three delegates to the Congress. All Societies and bodies interested in the Conflict with Tuberculosis are cordially invited to co-operate in the work of this Congress, and members of the Legal, Medical and other professions, the intelligent laity and the Reverend Clergy.

The Congress depends wholly upon voluntary contributions of members and friends, aside from the annual dues of $1.00 each year, bills for which are enclosed with this letter to those in arrears. The enrolling fee of $3.00 will be devoted to the publication of a Bulletin of its transactions, which the Medico-Legal Society will undertake to produce for each one who enrolls. The Bulletin of the International Congress on Tuberculosis, held at the St. Louis Exposition of 1904, a large illustrated volume of over 400 pages is just published and ready for distribution to subscribers and will be furnished at $2.00 each copy, so long as the edition lasts.

The Medico-Legal Journal will be sent to every member or delegate at half price, or $1.50 per annum, payable in advance, and to all members and delegates Vols. 21, 22, 23 and 24, if desired at same price.

A subscription paper has been started to defray expense of printing, postage and incidental expenses. Members and delegates are invited to subscribe and contribute such sums as they can afford to help defray these expenses and disbursements.

Those in arrears for dues will please remit. Those desiring the Journal will advise the undersigned. Members and delegates are asked to send titles of contributions, propose names for membership and to send to the officers the names and addresses of those who take an interest in the work, and who would be likely to co-operate.

By order of the Council,

Very faithfully yours,

CLARK BELL,
Treasurer.

The Council has named a sub-committee of six, viz.: Vice Chairman Dr. H. Edwin Lewis, as Chairman; President F. E. Daniel, M. D., Secretary, of Austin, Texas; M. M. Smith, M. D., of Austin, Texas; Clark Bell, Esq., LL. D., Treasurer, of 39 Broadway, New York, Secretary of the Council, and J. Mount Bleyer, M. D., of New York, who have the power of the Council to carry forward the work, extend invitations to speakers and fill all vacancies.

The sub-committee has issued a letter, of which the following is a copy, to a large number of prominent men, and will continue to do so.

New York, May 7, 1906.

Honored Sir:

Will you attend the Opening Ceremonies of the American International Congress on Tuberculosis in New York, November 14, 15 and 16, 1906, and make an address? If unable to attend, will you prepare a short note expressive of your interest in the alms, purpose and success of the Congress, that can be published in advance.

No one can estimate the power or value of such expressions from men in high official positions.

They encourage those who work, and they stimulate men of the professions to enlist in this conflict so meritorious in its aims and which thus may be brought to all those who desire to take part in such a labor.

As the Congress will meet so soon and the vacation is so near us, may we ask for an early response addressed to the Secretary of the Congress, Dr. M. M. Smith, at Austin, Texas, or Clerk Bell, Esq., Secretary of the Council and Treasurer, at 39 Broadway, New York.

Respectfully,

F. E. DANIEL, M. D.,
President, Austin, Texas.
M. M. SMITH, M. D.,
Secretary, Austin, Texas.
CLARK BELL, ESQ.,
Treasurer and Secretary of Council, 39 Broadway, New York.
H. EDWIN LEWIS, M. D.,
Vice Chairman of Council, 100 William Street, New York.

The Treasurer, Clark Bell, Esq., LL. D., at the request of the President and Secretary, applied to the Government of the United States, on March 22, 1906, through the Hon. Elihu Root, to have the invitations to Foreign Countries sent through the Diplomatic Corp of the State Department as was done for the St. Louis Congress, of 1904. The letter was as follows:

New York, March 22, 1906.

Honored Sir:

I am requested by the Executive Officers of the American International Congress on Tuberculosis to inform your Department that a Call for the next Session of this Congress has been issued, fixing November 14, 15 and 16 for the time and the City of New York for the place of the next Meeting, of which a copy will be sent you.

I have this day forwarded to you by mail a copy of the Bulletin of the Congress of October 3d, 4th and 5th, 1904, held on the occasion of the World's Fair Exposition, with passages marked, to which your attention has been called.

1. Copy of letter from the Department of State to the undersigned, dated August 29, 1903, vide p. 52 of that Bulletin.

2. Letter from the State Department to Clark Bell, Chairman, etc., dated September 13, 1903, cide p. 52 of the Bulletin of the Congress of 1904.

3. Letter of date of November 3, 1903, to Clark Bell, Chairman, etc., with a copy of the instructions sent to the Diplomatic representatives of our Government and to Mr. Choate, our Ambassador

to England; to France, Denmark and the Netherlands in regard to the Colonial Governments in American waters, vide p. 52 and 53, same Bulletin.

4. Correspondence between the Management of the St. Louis Congress of 1904 and the undersigned, the Department of State at Washington, the American Ambassador and the English Foreign Office, at pp. 27, 28, 29 of the Bulletin of 1903.

5. The dedication of the Volume to the memory of John Hay.

Now will you send out to the Diplomatic Corps as your Department did before, to aid us in securing delegates from Foreign Governments to the Congress of November 14-16, 1906.

Please arrange it so I can close it all before I sail for Lisbon early in April.

Awaiting an early reply, I remain, with high personal regard,

Ever faithfully yours,

CLARK BELL,
Treasurer.

To the Hon. Elihu Root,
Secretary of State, Washington, D. C.

To which his Honor the Secretary of State replied, as follows:

"Department of State,
Washington, March 31, 1906.

Clark Bell, Esquire,
Treasurer American International Congress on Tuberculosis,
39 Broadway, New York.

Sir:

I have to acknowledge the receipt of your letter of the 23d instant, inquiring whether this Department will invite Foreign Governments, through the American Diplomatic Officehs abroad, to send delegates to the meeting of the American International Congress on Tuberculosis, to be held at New York City in November next.

In reply I have to say that if you will send the invitations to the Department, it will cause them to be delivered through the Diplomatic Officers with an expression of the pleasure wih which the Department would learn of the acceptance of the invitations.

I am, Sir,

Your obedient servant,

ALVEY A. ADEE,
Second Assistant Secretary."

By direction of the Sub-Committee of the Council a letter, of which the following is a copy, has been sent to the newly elected Governors of the States of the American Union:

Copy of letter sent to Governors of American States:
American International Congress on Tuberculosis.
Office of the Treasurer, No. 39 Broadway,
New York, May 14, 1906.

Honored Sir:

We have the honor to inform you that we are instructed to enclose you the call and our circular letters, and to request you to act as one of the Honorary Vice-Presidents of this Congress. If unable to attend in person, we shall be glad to receive your expression of sympathy with the aims, objects and work of the Congress, and would be most glad if you would name delegates to represent your State at the November Session of the Congress to take part in the

proceedings so that your State can have double the number of delegates which she sends as representatives to the Congress of the United States.

In view of the fact that Congress meets so soon and these delegates may wish to prepare or submit papers, the Management will feel under obligations if you name the delegates as early as your public duties will permit.

With high personal regard we have the honor to remain,

Very faithfully yours,

F. E. DANIEL, M. D.,
President,
M. M. SMITH, M. D.,
Secretary.
CLARK BELL, ESQ.,
Treasurer.

To the Hon.

Governor of the State of

DR. F. E. DANIEL.

Dr. F. E. Daniel, the veteran President of the American International Congress on Tuberculosis, is one of the ablest and best equipped physicians of not only his own State, but of the Southwest. As a medical man he is in the front rank; as a medical journalist he is without a peer in the great South and Middle West. Since he first took up the lance in conflict with Tuberculosis he has been in the fore front of the battle. He was the first Vice-President of the American International Congress on Tuberculosis which met at St. Louis in 1904.

He made a gallant and a grand fight there and helped to make that occasion the splendid success it won in that city.

His selection as President of the coming Congress was the natural sequence of the retirement of Dr. E. J. Barrick, who made a superb and safe leader in that campaign, and who aroused such interest and ardor in the Dominion of Canada during all the struggle of the movement with which he has been identified since 1901, having his whole soul and strength in it.

Dr. Daniel is the Editor of the Texas Medical Journal, which is a great power in the Southwest and has won the place it holds in the confidence of the medical profession.

Its editor had hoped to see a National Medical Organization against Tuberculosis formed that should be representative of the Medical profession of the American Nation.

When the Junta of Medical practicioners at Baltimore decided to antagonize the work of the American International Congress on Tuberculosis in St. Louis, of 1904, he remonstrated with all his power. He was disappointed and no doubt disgusted at the selection of a President and one Doctor from Johns Hopkins University, and the controlling Superintendents of two of the great Sanitariums of the country, placed in control without one voice or representative from the great Southwest, the West, the Middle West, the Pacific Coast, without St. Louis, Chicago, San Francisco, New Orleans identified with its labors or consulted as to its affairs or methods.

He has seen the resignation of President after President from its presidency. He thinks, as does the Government of this Congress, that the Superintendents of great Sanitariums have enormous and superior advantages for experiment and advice as to sanitarian treatment, but that as to the control and management of a great National body they should not hold high official position.

That no one sanitarium should be manipulated by extraordinary precedence or place of excellence or superiority, and that the representative medical men of the whole country should be represented in such a body, which it now certainly and conspicuously is not.

Dr. Daniel deserves the aid and co-operation of all the professions and the abler men of his own profession in the work of the Congress over which he is to preside.

He believes "Preventive Legislation" to be the keynote and the corner stone of immediate conflict; the education of the masses of our people and of all the professions in an

effort, which while it is not a medical question per se and is in all respects a Medico-Legal question in the main, that it needs the best brain, skill and energy of the great medical mind of the Nation to hold up his hands in the coming Congress.

We clip from the current number of the Texas Medical Journal his editorial announcement and appeal to the Medical profession of the whole country, which we present to the readers of this Journal.

THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

The fourth biennial sitting of the American International Congress on Tuberculosis will take place in New York City, November 14, 15 and 16, 1906, under the auspices of the Medico-Legal Society.

The American Congress on Tuberculosis was organized in February, 1900, and held its first session in New York in June, 1900; its second in New York in June, 1902; its third in St. Louis in October, 1904, at which time, owing to the international character given to it by representatives from Foreign Countries in response to invitations sent by Mr. Hay, Secretary of State, through our Foreign diplomats, the name of the Congress was changed to "The American International Congress on Tuberculosis."

At the 1902 meeting in New York, in consequence of some indiscretion on the part of the management and a misconception, certain parties, objectionable to the regular profession, were permitted to participate in the deliberations, and in consequence thereof there was a split off, much to be regretted, and a separate Congress was organized by the seceders, under the presidency of Dr. Lewis, who later resigned. Dr. Brown, of Atlanta, Ga., was elected president, and the new Congress, under his management, held a large and interesting meeting at Atlanta, Ga., in April, 1904. It was to have met at El Paso, Texas, in 1905, but no meeting was held, and the organization, so far as I know, has been abandoned.

The parent Congress, the original organization, now the American International, was the first in the field in the great humanitarian work so pressing and so vital, and set in motion the vigorous crusade against the great foe to mankind, and has done great and lasting work. At the St. Louis meeting in October, 1904, there was a large and able and enthusiastic attendance, and the Fraternities, in their national organization numbering some five and a half million members, and the Association of Engineers, and other bodies interested in the public health and especially the control of consumption, joined forces with the Congress, and a campaign was mapped out and will be vigorously prosecuted at the coming sitting in New York in November. The work will be mainly in the direction of securing legislation to enforce sanitary measures for the prevention of the spread, and as far as may be, the removal of the causes of the disease,—unsanitary environments, life and occupation of the masses. It is unnecessary to here go into an account of the decline in cases, and diminution in the deaths in New York City alone, in consequence of improved sanitation in the dwellings and factories and work shops,—the lives and environments of the toilers, the passing of the sweat-shops, the dark, damp and overcrowded tenement houses, the opening up of wide streets, the letting in of sun and air, etc.

The prevention of the communication of the disease from one person to another would seem to be easily possible, as it is no sense contagious, by the destruction of the sputum and other secretions which contain the infective principle, but the eradication of the disease is utopian, it being a disease of our civilization—a house disease. But the causes that produce it can largely be removed. Better food, better living, the observance of the rules of health, air, light, and pure water, will accomplish much in this direction. And the people must be enlightened.

Already a large attendance upon this Congress is assured; and many papers by well-known authorities have been secured. There will be a large foreign representation and much good is anticipated to result from the conference.

The policy of the management is to conciliate and reconcile all persons, lay and professional, who are interested and engaged in the crusade against consumption. All are invited to participate and become members of the Congress—physicians, sanitarians, educators, editors, engineers, statesmen, architects—all whose labors and influence can contribute to the accomplishment of the great end in view. The Congress recognizes no faction or rival, antagonizes no movement on the part of others, no organization engaged in this work, but desires to unify the work by so-operating with and securing the co-operation of all such organizations. It rejoices in the success of the great Anti-Tuberculosis League, and will gladly lend its aid, while inviting its co-operation. There is, and should be, no rivalry. Let every lover of his kind contribute what he may to the advancement of this great humanitarian work—the throttling of the monster responsible for the greatest mortality amongst mankind.

THE SANATORIUM TREATMENT OF PULMONARY TUBERCULOSIS.

That great Journal, the London Lancet, recently submitted to those it considered most able to answer a series of questions soliciting their replies for publication.

In the January Sixth number of 1906, they publish the replies at length. The questions were as follows::

1. Has experience demonstrated the therapeutic value of the sanatorium treatment generally?
2. Are successful results obtained equally (a) in well-to-do patients; (b) in the working classes?
3. In the working classes must an elaborate system of insurance be combined; and are convalescent homes necessary to prolong the treatment?
4. What are the arguments for believing that the educational value of sanatoriums will be great and widespread?
5. Sanatoriums are considered by some people as places where severe cases may be segregated and by others as places where incipient cases may be cured. Ought there to be two sets of buildings?
6. What is a medical officer to say when he is asked whether a county authority or a private philanthropist is doing the best for the tuberculous by building a costly sanatorium?

Sir Richard Douglas Powell, Bart., K. C. V. O., Consultant in British Hospitals, unhesitatingly favors judicious Sanitariums and Hospital treatment and asserts that Sanitaria are essential to success. His paper explains details at length and with ability.

Sir William H. Broadbent, Bart., K. C. V. O., M. D., Lond.; F. R. C. P., Lond., who is a Consultant to St. Mary's, gives an affirmative answer to all these questions and favors in answer to the 5th isolation and separate wards, but cannot be said to favor separate buildings.

C. Theodore Williams, M. D., Oxon.; F. R. C. P., Lond., Consultant at the Hospital for Consumption at Brompton, answers these questions in the affirmative and as to segregation favors three classes of buildings. 1, A Hospital for acute cases; 2, A Sanatorium for patients with incipient and limited sessions; 3, A settlement or colony for assorted cases where light employment might be utilized.

Dr. J. Kingston Fowler, M. A. M. D. Cantab, F. R. C. P., Lond., who is a consultant at Brompton, Physician to the Middlesex and Dean of the Faculty of Medicine at the University of London, refers in his answer to his well known paper on the open air treatment read November 14, 1899. He endorses the Nordrach System as confirmed by his experience and observation since 1899, which is

1. An absolutely open air life day and night, in sunshine, fog or rain.

2. No liegehalle.

3. An abundant diet, regulated by the Physician in charge, who must attend at all the meals.

4. Rest before meals.

5. Exercises regulated by the strength and temperature of the patient.

Dr. Fowler goes into extended details and gives strong arguments and strong conclusions in support of his views. He thinks every hospital should have a Sanatarium attached.

Frank J. Wethered, M. D., Lond., F. R. C. P., Lond., Physician to the Brompton Hospital and assistant to the Middlesex Hospital, discusses details and results and does not give an unqualified assent, but says, under certain conditions. While he concedes the value of Sanitoria they must be used wisely and intelligently to be of value. He doubts their value to the working classes because the requirements could not be properly and successfully enforced.

Dr. Wethered has had too large an experience and too much observation to answer yes to these questions and he explains as to each the question about putting reliance upon them except essential conditions is insistently observed.

Dr. Arthur Latham, M. A., M. D., Oxon, F. R. C. P., Lond., Physician at St. George Hospital, assistant Physician at the Brompton, hesitates to endorse the Sanatorium system.

He discusses the question," Are Sanitariums worth while?"

He says frankly, "That Sanitraiums in England which are worthy of the name can be counted on almost the finger of one hand."

He discusses the value of Sanitarium treatment by statistics with great ability, quoting Dr. Pollock and the German Sanitariums for the working classes; Dr. C. J. B. Williams' experience in 7,000 hospital cases and contributes the most important elaborate and careful study of the subject of all those who answer.

These questions and replies show that there is an enormous field for observation, study for the careful student in the whole sanitarium system. That it should be open to all the Sanitariums of our Hemisphere and illustrates mar-

vellously how unwise and absurd it would be to accept the dicta or opinion of an Superintendent of any one Sanitarium as an authority. They are each of value so far as their study and research go, but no Sanitarium can now speak ex cathedra.

THIRD CONGRESS OF FRENCH SPEAKING PHYSICIANS OF NORTH AMERICA, TROIS-RIVIERES, JUNE 26-28, 1906.

We receive just as we go to press the announcement of this Congress for the end of this month, under the Presidency of Dr. L. P. Normand, President of College of Physicians and Surgeons, at Trois-Rivieres; Secretary, Dr. C. H. De Blois, Trois-Rivieres, until June 12th.

This Congress will present separate sections on, 1. Alcoholism; 2. Tuberculosis, in addition to a large programme. It has no section on Medical Jurisprudence, but has a section on Mental Medicine, of which Prof. Marois, of Quebec, is Chairman, and Dr. M. O. Tourigny, of Trois-Rivieres; and Dr. Jos. E. Dion, of the University of Laval, of Montreal, are Secretaries.

Tuberculosis will be the order of the day under the charge of Prof. Arthur Rosseau, of the University of Quebec, and Dr. J. G. Paradis, of Montgomery, will have charge, with an interesting programme.

1.—Tuberculose.....M. A. Rousseau, Rapporteur, Quebec
2.—Tuberculose.M. J. G. Paradis, Rapporteur corollaire, Montmagny
3.—Traitement preventif dans la Tuberculose,
M. Adelard Payette, Lowell
4.—Tuberculose, Hygiene et Rayons X...M. J. F. Rioux, Sherbrooke
5.—L'habitation et al Tuberculose...M. E. P. Lachapelle, Montreal
6.—Meningite Tuberculeuse.....M. E. Panneton, Trois-Rivieres
7.—Tuberculose des organes genitaux chez la femme,
M. L. de Lotbiniere Harwood, Montreal
8.—Les injections intra-tracheales dans le traitement de la Tuberculose Pulmonaire.... ....M. A. A. Foucher, Montreal
9.—Tuberculose d'un adeno-myome de l'uterus,
M. J. L. Archambault, Cohoes, N. Y.
10.—Les affections nasales de la gorge compliquant la Tuberculose,
M. E. de Laval, New-Bedford

11.—Traitement de la Tuberculose par le serum de Marmorek,
M. A. de Martigny, Montreal
12.—Les Sanatoriums populaires.....M. A. LeSage, Montreal

Alcoholism will be in charge of Dr. George Bourgeois, of Trois-Rivieres, and Dr. L. J. Osirois, of Halifax, Nova Scotia.

The programme is complete.

1.—Alcoolisme.....M. G. Bourgeois, Rapporteur, Trois-Rivieres
2.—Prophylaxie de l'Alcoolisme,
M. L. J. O. Sirois, Rapporteur corollaire, St. Ferdinand d' Halifax
3.—Prophylaxie de l'Alcoolisme.....M. Chanoine Sylvain, Rimouski
4.—Alcoolisme.....M. J. A. Allard, Bromptonville
5.—Role des classes dirigeantes de la societe dans la lutte
contre l'Alcoolisme..... M. Ph. Ste-Marie, Ottawa
6.—Danger de l' Alcoolisme dans les maladies chroniques,
M. J. L. M. Genest, St-Bernard Dorchester
7.—Alcoolisme.....M. T. W. Michaud, St-Pasome, Kamouraska
8.—Alcoolisme.....M. L. A. Lessard, Granby
9.—Chantiers, foyers d' Alcoolisme..M. J. P. Giguere, Chapeau, Ont.
10.—Alcoolisme, ses causes sociales.....M. F. X. Dorion, Quebec
11.—Alcoolisme.....M. Lamont Petit, Montreal
12.—Tuberculose et Alcoolisme dans leurs rapports de cause,
(Alcool) a effet (Tuberculose),
M. H. Triboulet, Medecin des Hopitaux de Paris,
Delegce officiel de la Societe de Therapeutique de Paris
13.—L'Alcool.....M. Joseph Schmitt, Ile d'Anticosti
14.—Heredo-Alcoolisme.....M. E. P. Chagnon, Montreal

LETTER TO EMBALMERS.

A copy of the following letter, the notice of the June Meeting of the Medico-Legal Society and the paper of President Clark Bell, will be sent to a large number of prominent embalmers in the several States:

New York, June 7th, 1906.

Dear Colleague:

I enclose you:

1. Extracts from the Inaugural Address of the President of this Society, Mr. Clark Bell, Esq., introducing the subject of needed Reform in Embalming the bodies of the dead, so as not to interfere with the detection of crime, where death has been caused by poison.

2. Extracts of paper by Prof. H. S. Eckels, read before the Medico-Legal Society, February 17, 1906, proposing the Elimination of Poisons, fatal to human life, when improperly administered, with concurrence of the State Embalming Boards, State Organizations of Undertakers and Funeral Directors; by the use of an Embalming Fluid, which on examination and trial will meet every sanitary requirement, that caution and prudence would suggest.

3. Selections from the remarks made in the discussion of Prof. Eckels' paper and on that subject contained in an article submitted

to the International Congress on Criminal Anthropology, at Turin, April 29, 1906, by myself, and read before the Medico-Legal Society; and the New Jersey State Funeral Directors' Association, June 2, 1906, at Philadelphia, Pa.

These are sent you to ask you to contribute to the discussion of the questions involved; to co-operate in the effort to call into the movement leading embalmers and undertakers in the various States; so that their views may go before the committee, which has been ordered to be selected by the Medico-Legal Society; to examine and report upon the whole subject, in the hope of reaching a safe and speedy solution of the questions which will be thought most likely to secure the aid and co-operation, of the State Undertakers and Embalmers of the Nation; and to so interest them as to secure their powerful aid and co-operation along lines of least resistance in the several States.

Please, therefore, aid in bringing into the membership of the Medico-Legal Society a few members from each State, who will make contributions on the subject, which it is thought will be most useful and valuable to go before the Committee, when formed, to be used in giving the reform publicity in the organizations of Funeral Directors, Embalmers and others, so as to obtain their aid and co-operation, thus accomplishing a great public good, and removing from the important work of embalming the bodies of the dead, all unfriendly criticism; creating instead a popular public opinion favoring its propriety and utility; with all the objections caused by the use of poisons, dangerous and fatal to human life removed.

Please give this subject immediate and earnest attention, so that the Committee may report final action speedily.

Kindly send me a list of names and addresses of the most active and intelligent men in your profession to whom you would advise me to send this letter and the literature.

The paper read at Turin and the involved questions will be the theme of discussion at the closing dinner of the Medico-Legal Society, on June 20th, 1906, at 7:00 o'clock, at the Hotel St. Andrew's, 72nd Street and Broadway, at a cost of $1.50 per plate without wine, in which it is hoped you will unite and contribute to the discussion.

If unable to attend will you send me your brief views for publication in a symposium which will go before the Select Committee for a final report at the December meeting of this body.

I remain with high regard,

Very faithfully yours,

CLARK BELL,
President Medico-Legal Society.

THE USE OF POISONS IN EMBALMING THE BODIES OF THE DEAD.

The Legislature of New Jersey have passed "An Act to regulate the practice of dead human bodies." It is now before Governor Stokes, to whom I am indebted for a copy.

Section 10. From and after the passage of this act no person to whom a license has not been issued as prescribed by section four of this act, or who has not passed the examination herein prescribed.

and been licensed as herein specified, shall transact the business or practice of embalming of dead human bodies within the State, except that nothing contained in this act shall apply to commissioned medical officers of the army of the United States, or to United States Marine Hospital Service, while so commissioned, but no person shall employ, for the purpose of embalming or preserving any dead human body, any arsenical solution nor any other poisonous agent which may, by its presence in the viscera prevent the detection of criminal uses of said poisonous agents before the death of the individual occurred.

Section 11 makes the violation of the provisions a misdemeanor and punishes it as an offense.

The whole subject is up now for earnest action. The announcement of it in the Inaugural Address of the President of the Medico-Legal Society; the strong paper and its discussion of Prof. H. S. Eckels, of the School of Embalming of Philadelphia, before that Society; its introduction before the International Medical Congress, at Lisbon, April, 1906, and at the Congress of Criminal Anthropology, at Turin, by a paper from the Government Delegate to the Lisbon Congress, in a paer which combined the best thought of Prof. Eckels and of the President of the Medico-Legal Society, brings the clean cut question before the world of Science, and the whole debate will go now to the Committee which the Medico-Legal Society has directed to be formed, will awaken deep interest.

The most prominent undertakers and embalmers will be invited to participate in the discussion, at the June closing meeting of the Society, and its contributions will be invited to be sent during the Summer vacation, so that the Committee can bring a report in the fall.

The indications now point to an intelligent and powerful movement by the embalmers themselves to agree upon an embalming solution that should contain no poison that would interfere with the chemical detection of crime where death was due to poison administered with criminal intent.

If our hopes are realized this will be a great stride in scientific advance, as the poisoner has for years now had immunity from detection, because science has been powerless to discriminate between arsenic and other well-known

poisons administered in life by mouth or rectum, after the body had been filled with the embalming solution. Chemistry affords at present no certain means of an accurate and reliable discrimination by the fluids now generally used by the embalmer from that absorbed from the embalming fluid emptied into the abdominal cavity by the embalmer.

THE PATERNAL ASPECT AND RELATION OF THE UNITED STATES GOVERNMENT TO SCIENCE AND THE STAND TAKEN BY SECRETARY ROOT AGAINST THE SPREAD OF TUBERCULOSIS IN THE WESTERN HEMISPHERE.

The American Government has taken strong ground, in aid of Preventive Legislation in the conflict with Tuberculosis.

The American International Congress on Tuberculosis has decided to make a renewal of the assault along the same lines, on which it won its victories at the St. Louis Congress, held at the World's Exposition, in October, 1904.

Hon. Elihu Root brings the splendid sympathetic power of the Great Republic of the world's civilization in support of the aims and purposes of the American International Congress on Tuberculosis, to be held in the American Metropolis, November 14th, 15th, and 16th, 1906.

Mr. Root, on June 5, 1906, six months before the International Congress assembles, advises the Treasurer of the Congress;

"I have to inform you that on May 31st instructions were sent to American Diplomatic officers in American States to support the invitation extended by the American International Congress to send delegates to its meeting in November next.

"In compliance with your request, the invitations sent by Mr. Hay concerning the meeting of the Congress, at St. Louis, was embodied in the instructions sent on the 31st ultimo. I enclose a printed copy of them."

The American Secretary of State adds to this announcement the following statement:

"On the same day the American Diplomatic Representatives in Great Britain, France, Denmark and the Netherlands, were directed to support the invitation to their respective Colonial possessions to be represented at the Congress."

Mr. Root shows great foresight, wisdom and statesmanship in placing the whole moral force of our Government behind the great purpose of the American International Congress on Tuberculosis.

He has used the same splendidly sympathetic language in bringing it to the official notice of all the Governments in the Western Hemisphere, through our Diplomatic corps, that Mr. Secretary Hay employed in recommending the St. Louis Congress to Foreign Governments.

Mr. Root is making history for both our Government and for our people. The language employed is worthy of the cause, worthy of the occasion. Mr. Secretary Root says:

In instructing the diplomatic officers to give their support to a similar invitation extended by the Congress for their St. Louih meeting, in 1904, my predecessor, Mr. Hay, said:

"The humanitarian object which this Congress has in view—to reach by the discussion of scientific men, some result in arresting the spread and averting, so far as it may be found possible, the ravages of this dreadful disease, which now falls with such terrible force and fatality upon the people of the Western Hemisphere—cannot but enlist the sympathy and approval of the Government to which you are accredited.

"The Department will, therefore, be pleased to have you say to that Government that this Government is in entire sympathy with the work of the proposed Congress, and would be pleased to learn that the Government of ..... took a like interest in its success by the acceptance of the Committee's invitation and the appointment of three or more scientific gentlemen to represent it at the Congress.

"This Government would also be pleased if that of ..... could find it convenient to comply with the request of the Committee to give the matter publicity, in order that it may come to the knowledge of interested organizations and public spirited citizens of that country."

The Department will be pleased to have you present the matter of the New York meeting in the same light.

The battle cry of the Congress is Preventive Legislation Against Tuberculosis—To arrest, to avert, to miminize the spread of Consumption, is the battle ground.

The call of the Congress is to the masses of the people, to the men of all professions, the stateman, the publicist, the humanitarian.

It is not a medical question, not confined to medical men, but the call is to all men of all professions, and to the gigantic proportions of the conflict, and the magnitude of the problems, which now confront the health and the safety of that great, that enormous mass of human lives that have been yearly sacrificed to the ravages of this dreadful disease.

THE CASE OF ALBERT T. PATRICK AND THE ARTERIAL EMBALMING BY THE RIGHT BRACHIAL ARTERY.

This case has become an extraordinary one and is unique in its historical and judicial aspects.

Before the final decision was reached in the New York Court of Appeals, the salient points in the case which gave the scientific questions involved in the possibility of his guilt, from a purely scientific standpoint such publicity as to arouse general interest and the subject became so prominent, after the discharge of Jones by the public authorities, on whose testimony, as an alleged accomplish, the conviction had been obtained, that it attracted universal attention and came nuder the critical examination of the Medico-Legal Society.

A careful examination of the evidence of Jones, as to the details of the death of Rice, assuming that his version was correct in detail as to what he testified to as to the

cause of the death of Rice, by able Medico-Legal jurists wholly disconnected with the case, professionally, demonstrates its falsity and that his version was simply impossible.

Again, the assumption by the prosecution that the embalming fluid, which was shown on the trial to have been employed shortly after death and before Rigor Mortis, without the removal of any blood from the veins, by arterial embalming at the brachial artery, did not and could not have reached the lungs; which was sworn to by medical experts for the prosecution and not contradicted by the defense on the trial and assumed by both Court and jury on the trial, and by the slight majority in the Court of Appeals which sustained the conviction; excited great surprise among Medico-Legal jurist of prominence, entirely disconnected with the case.

The undisputed fact disclosed on the trial, that Drs. Donlin, who had conducted thousands of autopies with a chemist of the eminence of Dr. Williams as sworn officers of the law acting upon the legal inquiry as to whether the death was due to natural causes, and a careful examination by these officials with Dr. Williams present, and assisting in the same capacity, who had conducted the autopsy as coroner's assistants, and made an examination of the lungs made incisions in them and returned them to the body, to be cremated, with a unanimous opinion of all them, that the death was due to natural causes and who were bound by their official oaths to have reported anything in the condition of the lungs or other organs justifying a suspicion on either of their parts that death was not due to natural causes, came to the attention of the Executive officers of the Medico-Legal Society.

Mr. Patrick himself called the attention of the President of the Medico-Legal Society to the extraordinary assumption, that the embalming fluid had not reached the lungs, and that it could not do so. The Chair obtained from Mr.

Patrick a complete copy of the evidence of all the witnesses through the assistance of his wife. This examination led to the appointment by the Medico-Legal Society of a committee to examine into the questions, that the examination of the evidence made necessary and a commission was named, and a series of questions submitted to them for a careful investigation of the whole subject.

Prof. H. S. Eckels, of the School of Embalming, of Philadelphia, who was at the head of his profession as a teacher of embalming, and with a very large experience, was placed on that commission, and Dr. A. P. Grinnell, First Vice-President of the Society, was made chairman of the same, which was conducted with great care and with full power to examine witnesses, conduct experiments and report as to the questions involved, in which the District Attorney was invited to attend and the former Assistant District Attorney, who tried the case, was also invited. That committee, after a careful examination of all the expert evidence in the case, made a unanimous report among other things:

1. That the death of Rice was not due to chloroform but to natural causes, and

2. That in embalming the body by the arterial embalming process the fluid must and does enter the lungs.

3. That Patrick, whatever else might be said, was not guilty of the murder of Rice, and that the tale and evidence of Jones was a pure fabrication and a pure invention to obtain immunity for himself, and that his statements were incredible and impossible.

This action of the Medico-Legal Society and its committee was, of course, not before the Court of Appeals, but it was known to counsel that it had been unanimously endorsed and approved by the Society.

Gov. Hill, who had conducted the arguments of the appeal before the Court of Appeals and subsequently made an unsuccessful effort to obtain a re-argument, took no

steps to bring the facts discovered by the investigation and action of the Medico-Legal Society to the attention of the Governor on a request for pardon, which must have resulted favorably for the same reasons that received the unanimous action of the committee.

The Medico-Legal Society suggested an appeal to the Governor for pardon and a respite for that reason. New attorneys then made an attempt to obtain a new trial by an application before the trial Judge who tried the same, the result of which was most prejudical to Patrick and his real interests because of the character of some of the witnesses and their evidence. It was an attempt, after a final decision of the Court of Appeals, to obtain a new trial by reproducing the evidence used on the first trial and showing Jones' confessions that he had sworn falsely on the trial, and had Recorder Goff permitted such an application to be successful would have revolutionized our judicial system and we could never have reached an end in a murder case.

It is difficult to imagine that anything that Jones might have said either one way or the other as to the truth or falsity of his evidence, should be allowed to have the slightest weight.

Meanwhile the fact that Jones' version of Rice's death is incredible and is removed even from scientific or other doubt.

1. It is demonstrated that the death of Rice was not due to chloroform at all.

2. That Rice died from natural causes.

3. That evidence and statements of Jones on the trial as to the death of Rice on which immunity was granted him is, incredible, impossible and without any foundation in fact.

Now instead of going to the Governor with a proper presentation of facts for a pardon for Patrick, he who is under sentence of death has secured a stay from Mr. Justice

Day, of the Supreme Court of the United States, for an application to that Tribunal for relief.

It has been publicly asserted in the public press of Texas, that a legal controversy was pending in the Courts of Texas between the Estate of Rice and the Trustees of that Estate, in which it is alleged that the Trustees have made a report to the Court, in Texas, that a very large proportion of one of the Rice millions has been expended by the Trustees in securing the conviction of Patrick, and that an enormous sum has been divided up among lawyers, many of whom are in New York, who were not known to have been connected with the Rice case at all.

The stay of Judge Day will no doubt bring important facts to light in regard to what may be called the commercial and financial side of the affair.

Meanwhile, at the June Meeting of the Medico-Legal Society, the relation of the embalming profession to this controversy was brought forcibly to the front by Prof. H. S. Eckels and by leading embalmers like Springer, of Englewood, N. J.; J. F. Martin, of Elizabeth, N. J.; James H. Sexton, of Asbury Park, New Jersey, who say that the whole embalming profession would unite without a dissenting voice in the statement that in all cases of arterial embalming, where the work was done properly and as done in the case of Rice, the embalming fluid must and always does reach the lungs.

The June 16th number of "The Sunnyside," a trade paper in the interest of the embalmers, publishes a strong editorial article on this subject, from which we make the following extracts:

> After carefully studying the case of the People against Albert T. Patrick we are forced to ask, was not a great mistake made in his conviction for the murder of William Marsh Rice, and may not a still greater mistake—in fact, a great judicial outrage—be committed if he is sent to the electric chair?
>
> If the contention of the experts who have made affidavit in behalf of the prisoner are true, they should be supported by a united and unmistakable protest on the part of the embalming profession

against the ignorant manner in which the art of embalming has been misused to accomplish the end sought by the prosecution in this case.

Again that Journal says:—

Patrick's conviction was obtained through the testimony of Charles F. Jones, a wretched creature who succumbed to "sweat-box" methods and agreed to turn State's evidence in order to save himself from threatened punishment. The murder of Rice, it is alleged, was accomplished by chloroform administered by Jones at the instigation of Patrick. Assuming, for the sake of argument, that as cool-headed and shrewd a lawyer as Patrick (who from a felon's cell for nearly six years has conducted his own marvelous defense as a general might an army in a great conflict) should be stupid enough to relegate the murder to any one else who could easily betray him; assuming also that he would use foul means at all to remove Rive when the latter was already tottering on the brink of the grave; assuming, further, that chloroform could be fatally administered in the manner claimed by Jones and flatly contradicted by surgeons who have administered anaesthetics thonsands of times—assuming everything that is urged against the man whose death is apparently deemed paramount in order to silence his claims for the Rice millions, it still becomes absolutely necessary in this remarkable legal drama, to insist that embalming fluid cannot enter the lungs by way of the right brachial artery, in order to find legal cause for the electrocution of Albert T. Patrick.

The decision of Recorder Goff denying the motion for a new trial, announced on the 11th, and the prompt action of United States Supreme Court Justice William R. Day, in granting a writ of error and stay of execution on the following day, now will make it possible for the case to be carried to the highest Court in the land, in October. It remains with the embalming profession now, as a matter of right and ustice, not only to Patrick, but to themselves, to see to it that the absolute truth shall be so clearly esablished that no Judge or jury can for a moment doubt it.

The President of the Medico-Legal Society was, by nuanimous action, requested to appeal to the leading members of the embalming profession throughout the United States to respond with their experience and views on this question, as to whether the embalming fluid in arterial embalming by way of the right brachial artery, does, and whether it must not reach and embalm the lungs to sucecssfully and properly embalm a dead human body.

A committee was named at the June Meeting of leading embalmers, ordered at the February Meeting of the Medico-Legal Society, to examine into this whole question, without limiting it to the case of Patrick or the embalming of the body of Rice.

Prof. Eckels, of Philadelphia, is named as the Chairman of that committee. Prominent members of the embalming orpfession, members of the Medico-Legal Society, are

named on this committee. Mr. R. R. Brinkhurst, of Philadelphia; Mr. A. L. Eastman, of Boston; Mr. John Maas, of Louisville; Mr. Springer; Judge Wm. H. Francis, of New Jersey, and Dr. W. B. Miller, of Philadelphia, formerly chemist of the Medico-Legal Society, are among its members.

The whole embalming profession is asked to co-operate with the Society in its labor, which has in view the prevention of the use of any poison in an embalming fluid which would prevent the detection of crime where death was caused by poison. The June number of the Medico-Legal Journal will be slightly delayed in its issue to bring this most interesting subject to public attention, and especially in that number to leading embalmers, and the merits of the new statute in New Jersey, making it a criminal offense to use a poison in embalming a dead human body which shall prevent the detection of crime at the autopsy by the aid of scientific analysis.

THE INSURANCE FRAUDS AND OUR NATIONAL HUMILIATION.

The disclosures following the brilliant work of Charles E. Hughes have been followed by a Report of the Legislative Committee, of which Senator Armstrong is chairman, which deserves as it has received unreserved approval, within and without the State of New York.

We note some of its recommendations:

1. The prohibition of syndicate operations by insurance officials.

2. A limitation of new business by any one company to $150,000 a year.

3. Regulation and limitation of the nature of investments.

4. The abolition of deferred dividends.

5. An annual distribution of surplus to be applied to; reduction of premiums; purchase of insurance; or in cash payments at the option of each insured person.

The insurance companies have been allowed to present objections to the several bills pending based on the Report, but these were merely as to details and do not touch the great force of the Report, which created a universal demand from all classes that it be put into the law of the land.

We seem hardly willing to wait for the punishment of the chief criminals. Never has punishment been so swift; so certain; so terrible. The heads of the great New York companies are annihilated, in exile, indicted or dead from the shame of the charge.

The Prudential thus far is outside of our State and its officials are still unpunished; as to its president the operations of this official as detailed before our Legislative Committee, showed him in a worse light than the worst of the companies. This gives apprehension that he hopes to escape because he is in New Jersey. His example is the most pernicious of all in this respect, that he is the only man who has used the power of his position to bring himself into the Senate of the United States, or into official and public life.

New Jersey should not be distrusted. Jersey justice is proverbial. The wheels may move slowly, but they will move, and it is to be hoped effectually, in his case.

Contrast his explanation of how he transferred the assets of the company into his own pockets or control, with the eloquent advice his circulars give to take insurance in his company as peculiarly safe for the widow and the orphan.

As portrayed by himself and in his own testimony nothing in the whole history of that financial legerdemain or strategic buccaneering, by which he absolutely obtained the control and ownership of the capital stock of the company or its control; could be found in insurance annals.

It would be the sarcasm of destiny if he escaped and went unpunished by justice.

That we have lost in the public estimation of the world by the infamies of these men, no one can be blind to.

That the Nation is smarting under this stigma is as unjust and severe as it is true.

A few criminals at the head of these companies engaged in the manner they have been detected, unmasked and usually disclosed in their own language under Mr. Hughes skillful handling.

We should not lose faith in final justice because a few who have gone wrong are still at large and unpunished, and let us hope that at the end all will meet their just deserts.

HENRY WALDO COE vs. A. M. A. JOURNAL RING.

Henry Waldo Coe, Editor of the Portland Medical Sentinel, is on the war path!

He has sent advanced sheets of his issue of May, 1906, to the Medical Press and to the thoughtful minds of the Medical profession. We quote a few of his frequent utterances.

"To-day under the present management of the A. M. A. in the journalistic field the Journal is out with its hand against every man. It is a true Ishmaelite!"

The Editor of the A. M. Journal seems to be under a very hot fire from those Medical Journals throughout the American Union who are not in the ring that controls that Journal.

If half is true that Dr. Coe asserts, the Editor of the A. M. A. Journal should "fold his tent and silently steal away."

We know little of the details of the charges that fill the Medical press as to the management of the Journal of the American Medical Association. Dr. Coe contrasts it with the Insurance scandals. We trust it is not quite as bad as that. Where there is so much smoke there may be fire enough to warrant extinguishing it. A change in the editorial management of the Journal of the American Medical Association cannot be very far away.

THE SUPERINTENDENTS OF SANITARIUMS FOR TUBERCULOSIS PATIENTS AS MANAGING OFFICIALS.

The American International Congress on Tuberculosis from its organization has been a unit in believing that the Superintendent of a Sanitarium for the treatment of Tuberculosis patients was in the nature of things so morally, professionally, and in honor bound to devote all his talent, time, influence and efforts to the success of the institution in his charge, as to prevent his acceptance of any relation which might bring him in any case in conflict with the especial and peculiar interest of his institution.

If in any contingency and emergency he should be asked to consider any line of policy or action the uppermost question in his mind must of necessity be "How would it affect the institution of which I am at the head?"

Even if he was fully convinced of the purity, the utility and the justice of the measure and line of conduct, if by any contingency it might be against the interest of the institution he must uphold the latter at all hazards and forego the former. His talent, his labor, his endeavor is of necessity and in the nature of things mortgaged and devoted absolutely to the success of the Sanitarium he represents.

Even if his judgment and his sense of honor and right was against the policy adopted by the institution he must disregard the former, and so long as he held the place stand firm, loyal and steadfast to his institution as above, higher and over all other considerations.

It was because of these views that the American International Congress on Tuberculosis refused to allow any Superintendent of a Sanitarium for Tuberculosis to hold even a seat in its Standing Committee on Sanatoria.

The colony of Medical men who organized the present American Medical Association for the conflict with Tuber-

culosis, held directly opposite views, as to selecting such men for the management of that organization. Two of the largest private institutions of the country were prominently and influentially placed on its management in the controlling positions.

One of these was subsequently elected its President. The incongeniality of his position and perhaps the impropriety of it may have influenced his resignation.

It naturally and very properly followed, but the actual control was so centralized that two large Sanitarians and two men selected from one university, with men thoroughly identified with them retained the actual control of the organization completely.

The greatest, the most important and by far the most successful Sanitarium in the United States is that known as "The Battle Creek Sanitarium," at Battle Creek, Mich.

Its superintendent is the well known Phiysician, Dr. J. H. Kellogg. He took a most active part in the work of the American International Congress at St. Louis in 1904. No physician in the United States contributed more to the success of this body, at St. Louis, than did he. He was elected First Vice-President by unanimous action, with the willing consent of his co-laborers.

The active hostility that year, and since, of two great Sanitariums, so identified with the National Medical organization, has been so pronounced, that Dr. Kellogg has been confronted with the question of how far his vigorous and energetic action as First Vice-President of the New York Congress, of November, 1906, might arouse antagonism and create discussions that would injuriously affect the great Sanitarium in his charge. He has asked his associates to relieve him of the work of this office.

The reason assigned is that the duties of his great work, his life work as superintendent of the Battle Creek Sanitarium, demanded all his time and that he cannot spare the

time and the labor devolving on the high office, and he asked that another name be put in his place.

If he believes that his continuance as First Vice-President of this Congress and his vigorous conduct of his duties might work any injury to his Sanitariums he was compelled to take the course he has, or resign the superintendency, which he could not conscientiously do.

We do not speak for Dr. Kellogg. His associates sustain him by relieving him of his responsibility and will fill the position.

The Battle Creek Sanitarium will stand as before at the head of this class of institutions.

He cannot be charged with seeking to build it up higher in the public confidence through his holding the foremost official position in its list of Vice-Presidents. He will stand on his own merits as a man and a physician, and his institution cannot be charged with influencing the action of this Congress in the slightest degree.

SPIRITUALISM AND MEDIUMSHIP.

I heard the sermon of Swami Abhedenanda, on April 8th, before the Vedanda Society, and it was in many ways of great interest.

He said that there could be no doubt whatever of the truth of the spiritualistic phenomena and that he had quite recently been present in this city and witnessed spiritualistic phenomena, which was, measured by all tests that he could use, perfectly demonstrative of the communication from the dead to him, the living.

He said that the great interest that had been attracted to the subject of spirit communication by the dead, through the agency of mediums both in foreign countries and in America, had created a great interest in the spirit world

itself to have a more correct understanding of the elementary unquestionable truths attending it, revealed to the living.

In describing his personal experiences, he said, that at a seance that he had recently attended he was called by a voice from the cabinet and that he went in and found the medium in a state of complete and unconscious trance, with her hands tied securely with cord; that he examined the body of the medium who was in a profound trance. That spirits who materialized and took form were as substantial as natural flesh, and blood, and hand and feet like natural persons. That in the case of one who had died in India (whom he knew in life) and who came in his oriental costume that he wore a white turban, the same as he did in life, which he had always worn in a peculiar manner and which he used when he appeared. That he took both hands of the materialized spirit in his own and held them, and that when he left the hand melted away and the body became a sort of misty vapor befor it disappeared.

This latter spirit did not speak as the other ones had, but that it made itself personally manifest to him; that while in the cabinet with the medium in this state he felt his clothing pulled, the collar of his coat and other garments and touched by as many as twenty hands.

He demonstrated in the fullest manner the fact of the materialization, and then asserted it to be the work of an earth-bound spirit who had obtained the control of the medium, while the medium could in no wise control or even influence him.

He then gave the reasons and explanations why the wise men of India while fully conscious of the power of the earth-bound spirit to seize control through a medium, had strongly opposed the propriety or wisdom of any one allowing an earth-bound spirit to thus obtain control of a human soul. Contrasting it with the phenomena of hypnotism, it was not the medium that controlled and that it was always

the earth-bound spirit like the operator in the hypnotic trance that controlled it.

Speaking of the power some earth-bound spirits had; they could appear to a man without any mediumistic agency.

He said that it was most unwise and dangerous to endeavor to become or act as a medium.

That it degenerated the medium and he gave the very large percentage of those who became irritable in temper, broken in health and the victims of nervous troubles, nervous prostration and almost insane. That it was found by actual examinations that they deteriorated in mental strength and power to an alarming extent, and that it increased carnal appetites and sexual desires, and spoke of it as a sure and early ending by death in early life to follow it.

Characterizing the earth-bound spirits that thus controlled mediums, he said, they were dishonest, false, base, and wicked of the worst type of men whose spirits are thus earth-bound who seek exposure through mediums.

Describing the spirits who materialized for the seance, he said, that one was an Aboriginal American Indian, and discovered another Indian whom he had known.

THE FASICULE OF THE LISBON CONGRESS ON LEGAL MEDICINE.

We notice at length the preliminary issue of the fascicule on Legal Medicine in our columns in our June number, for two reasons:

1. It shows the enterprise and energy of our colleagues in Portugal whose zeal in bringing Medico-Legal subjects into the front deserves praise and should and has attracted the attention of the Scientific world.

The Medical profession neglected it, even after the management of the officers of the Congress at Lisbon had sent

a list of questions and asked that profession to have contributions made.

The most prominent features and work of that Congress will be found to be along the lines of Forensic Medicine.

2. It shows the result of the work of the Auxiliary Committee of the Merico-Legal Society in aid of that Congress.

Had the Medico-Legal Society been called in, even one year before the Congress, every question submitted would have been answered.

It was February before the steps could be taken, only five or six weeks was available for preparation. The cable had to be called in and it was practically impossible to forward the papers promised within the time. The work will show that the King and Government of Portugal splendidly seconded the labors of the ablest men of that beautiful country in making the Lisbon Congress the success that it is now acknowledged it was, and whatever this Congress may have accomplished the student of the history of our day must concede and emphasize the men of Science in Lisbon who laid out its work have done splendid work for the advance not only of the cause of Medical Jurisprudence, but in stimulating its study and its advancement far beyond any International Medical Congress in the past with the exception of France in 1900.

LEGAL CONTROL OF PROSTITUTION AND THE SPREAD OF VENEREAL DISEASES.

M. Muller publishes statistics bearing on the sanitary control of prostitution as to the garrison at Metz, vide (Munich Medical Wochen, No. 42, 1905), of great public interest, and to which our sanitary advisers should pay particular attention.

In the German Army venereal diseases are most carefully and thoroughly looked after and cared for and minute detailed records of every case.

The City of Metz is a garrison town with a garrison of 24,000 troops in a city of only 80,000 people.

The present regulations as to prostitutes provide for the systematic microscopic examination of the secretions.

The present per centage of gonorrhea is now reduced to 12 per cent. since microscopic examination was introduced, which was 25 per cent prior to its introduction.

The percentage of Syphillis has averaged about four per cent. for the last ten years at Metz.

Should we not give more heed to the superior care taken by the German Emperor of his army?

We seem to have inherited a prejudice against the use of safeguards, which rests on no basis of reason at all in this respect, because we regard immorality an evil. We have adopted the heresy of believing it wrong to regulate the prostitutes and enforcing regulations to protect both themselves and their patrons, as so great an offense against public morals, that we leave the health of the masses of our people to the appalling effects of a disease we could easily miminize.

BOOK NOTICE.

We want to send you absolutely free of cost and without further obligation to you a little cloth-bound book entitled "Foreign Phrases in Daily Use." It is a modern guide to popular and classic terms in the literature of seven languages, with explanations of their meaning. It is a book that every one who reads should want at hand. Frequently in reading the daily newspapers, magazines or general literature one comes across phrases that are unfamiliar be-

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SAN FRANCISCO CALAMITY.

All members of the Medico-Legal Society or its Sections members of or delegates to the International Congress on Tuberculosis or subscribers to the Medico-Legal Journal, in the State of California, are notified that all bills and dues are suspended for the current year, 1906, for one year. No sufferer by the recent disastrous calamity need respond for the year following the disaster at San Francisco.

PERSONAL.

DR. TABOR.

Health Officer, Tabor, of Texas, was presented with $1000 and steamship transportation to Europe, by appreciating fellow-citizens. He is one of the ablest Sanitarians of the Southwestern States.

DR. WM. T. ROBINSON.

Dr. Wm. T. Robinson, Editor of the Department of Universal and Sexual Diseases of the Alkaloidal Clime, in commenting on Dr. Tabor's good fortune, says: "We wish our neighbors wanted to get rid of us for a season as yours seem to."

DR. SPRATLING.

Dr. Spratling says of Epilepsy in the Medical Record: "Epilepsy is the strangest disease in human history. It stands comparably alone."

DR. OSLER.

Dr. Osler is passing into well advertised privacy. He should not be so entirely abandoned. The Medical press furnish occasional punctures, which will do him no harm in his untimely senility to see and consider.

LAPLACE was over 70 when he published his Nebular Hypothesis.

LECOMTE was 64 when he published his work on Evolution.

FRANKLIN began studying Natural Philosophy after he was 50.

LYELL'S great work on Geology was done after he was 60.

EPSTEIN, at 78, makes a prescription for the treatment of old age, which he names "Geroiatry," and we prescribe it for "Oslerism."

DOTSON, in the Medical Era, says: "that the teaching of such theories as Osler's is responsible for the great increase in mortality in the race.

JOURNALS AND BOOKS.

The 15th International Medical Congress, held at Lisbon, Portugal, April 19 to 25, 1906. It has published the First Fasiculate of its transactions of its Section XVII, devoted to Legal Medicine, from the press of Adolpho de Mendonca, at Lisbon. It will be followed by the Second Fasicule.

It will appear before the regular Bulletin of the Transactions. It will contain, when completed, the papers sent out by the Auxiliary Committee of the Medico-Legal Society in aid of the work of that Congress, and the contributions of others who submitted papers to that Section. Those desiring copies of it should apply to Dr. Miguel Bombarda, General Secretary of that Congress, at Lisbon.

The first paper is a very able essay by Prof. Adriano X. Lopa Vieira (Countrae), Director of the Morgue at Countrae, entitled "Signs of Virginity and Defloration in Legal Medicine."

Prof. Vieira is admirably equipped by his experience and ability for a thoughtful and exhaustive treatise on that subject which has been considered by Medico-Legal Jurists of great public interest and importance. He quotes from Tourdes, Thoriot and Vibert in France; Zino, Fillipi and Lombroso in Italy; Hoffman, Marchka and Hoffman-Kolisko in Austria; Taylor, Dixon and Vivian Poore in England; Strassman in Germany; and from the recent works of Witthaus and Becker, and Peterson and Haines in America, which appeared in 1904. The contribution is able and valuable to science.

The second paper is by Stanley B. Atkinson, Esq., of London, Hon. Secretary of the Medico-Legal Society of London, entitled "Medico-Legal Relations of Spontaneous and of Criminal Abortion."

This is a carefully prepared and well written article, and it comes too late for our June Number, but we hope to be able to produce it complete in our next. Dr. Stanley B. Atkinson is a corresponding member of the American Medico-Legal Society, and the paper does him credit.

The third paper, on "The Signs of Death by Drowning," is also by Prof. Adriano X. Lopes Vierra, of Coumbre.

He quotes and notices the same authors named in his first paper, aiding Contague and Brouardel in France; adds Smith as an authority in England and does not refer to the earlier American authors in America. He gives the recognized external, as well as the internal signs, which he tabulates. It is a study of the relation of Syncope; Cardiac derangements to the death, and how to discriminate in the autopsy between death by drowning or from syncope cardiac troubles or from other causes before the submersion of the body, or even complicated with the act of drowning.

The fourth paper is alco by Dr. Stanley B. Atkinson, of London, entitled "Some Medico-Legal Relations of Epilepsy," which is short and we give it entire.

Epilepsy, per se, is not insanity; it may however merge with and develop into an epileptic dementia or be associated with an epileptic amentia. To simple epilepsy the Lunacy Laws do not apply—there are no legal powers to segregate cases either for their own benefit or for the public safety. As with drunkness and lunacy, malingering is easy and the public often manifest doubts when a plea is set up that the accused was the subject of a minor attack of

epilepsy, nor is this wholly unsatisfactory, for to the lay mind the appearance of the accused may have been normal and he may have keenly resented the proffered skilled attention.

Advanced cases are accompanied commonly with definite stigmata of degeneration and the general signs of degeneratim. The victims are gloomy and irritable, mischievous and fickle, forgetful and iracible, rapidly however changing from gay to grave, and from anger to suavity.

In order to prove the plea and so work upon the jury's instinct towards mercy, it will be necessary to establish not only that the accused had a general reputation for epilepsy, but also that at the time in question he was actually under the influence of an attack of nervo-storm.

The main medico-legal feature is the exhibition of phenomena the result of post-epileptic automatism, which often leads to results which need the plea—in strict English Law the invalid plea—of irresistible impulse. Thus indecent exposure (of the reflex acte of a desire to relieve an overful urniary bladder), suicide, kleptomania (associated with a mania for collecting oddments and instinctively secreting them about the person in order to break any fall in a fit) and chiefly violent acts and outrages which apparently are the outward and visible sign of a previously pent up uncontrollable impulse now exploding—all these instances may illustrate automatic acts replacing or following a fit; if replacing the fit will be larval, mashed.

Forgetfulness, amnesia, may follow a fit and the patient may wander far before he wakes up. Automobile drivers might come to grief if attacked by a fit of epilepsy, for the car would increase and not decrease its speed if the controlling hand was removed.

Death in an actual fit is rare unless from exhaustion (status epilepticus) or from accident, thus when a man is found dead lying on his face suffocated either on his bed or in very shallow water, an epileptic fit may be the history, so too he may fall in dangerous manners or places at the commencement of a fit.

Insurance companies usually recognize the mode of death as accidental. The fatal convulsions of children are often a variety of epileptic fit; it must be recollected in this connection that a child has fits as easily as an adult has dreams. The writer attended a policeman who, on waking one morning, immediately cut his throat with a razor; he had just dreamed he had murdered his only daughter to whom he and his wife were devotedly attached. It would be wise to adopt means by which the propagation of children by recognized epileptics might be checked. Herbert Spencer's law is to be remembered when discussing the subject of epilepsy:

The fifth paper, by Dr. F. Pactel, Paris, "The Insane in the Prisons; Proposing a Medico-Psychological Examination of them."

Dr. Pactel classifies the insane in the prisons: As those who were insane when condemned but the fact unknown to the Tribunal which sentenced them; and those who develop insanity in the course of the accomplishment of the offence.

These usually remain a long time in prison pending their sentence, and as a result they suffer abnormally under the rigors of regulations which punish them for the manifestations of their maladies.

He claims that this unfortunate situation is due to the insufficiency of the medical service, universally recognized today, to pronounce with definiteness and certainty on the exact mental state and condition of the patient.

Both in France and Germany it was insisted that prison physicians should have sufficient knowledge of psychiatry and mental medicine, evidenced by a diploma that qualified them for this duty.

He favored Belgium which had recognized the situation and provided for it since 1891, in a practical way and had created a special service for these classes in the Belgium Prison Medical Service. It is exercised by two medical inspectors, fully competent in pathology and mental medicine, and who were required to carefully examine and pass on all the inmates of prisons mentally diseased.

Dr. Pactel asks, in the name of humanity, why the initiative thus taken in Belgium and maintained for fifteen years should not be followed by other countries.

The sixth paper, by Clark Bell, Esq., LL. D., of New York, is entitled "Preventive Legislation Against Tuberculosis." It is thus briefly summed in the preliminary report:

The paper praises and congratulates the International Medical Congress at Lisbon for the space it devotes to Medico-Legal questions and thanks the Lisbon Congress for its share in the great work it will accomplish in presenting the subjects relating to Forensic Medicine to the Medical profession of America, and especially to the Medico-Legal Society of New York.

It presents as the foremost question now before the world in its practical importance to the human race as Preventive Legislation against Tuberculosis.

How far can legislation be devised in any State or Country that can arrest, avert or diminish the mortality of consumption of which the human race now suffers?

How can public opinion in each country be best aroused to favor the passage of such legislation and aid in its enforcement?

It urges that this question is not a mere medical question, but that it is in every sense a Medico-Legal question and demands the ablest talent of the Bench, the Bar, the medical profession, the Scientist, the Publicist, the legislator and the intelligent laity—It discusses the right of the Government of the State under its constitutional powers to adopt, pass and enforce laws and regulations in the interest of its citizens to avert the spread of this infectious disease.

It describes the organization of the American Congress on Tuberculosis, founded by the Medico-Legal Society in 1900, and 1901 and its work since that at its Sessions of 1902 and its crowning work under the paternal protection of the American Government at the World's Fair Exposition in 1904, and it praises Portugal for the splendid work she is doing in this Congress for the advancement of the Science of Medical Jurisprudence.

The next paper is by Dr. Harriot C. B. Alexander, of Chicago, Ill., on "Some Legal Aspects of Epilepsy."

It is thus summarized in the preliminary report:

Epilepsy is an encephalic morbidity without palpable characteristic lesion, shown in explosive activity of an unduly irritable vasomotor centre, tending to complete or partial loss of consciousness, which may be preceded, accompanied or followed by various phenomena expressing the undue preponderance of some cerebral districts and the suspended inhibiting influence of others.

The medical jurist is chiefly concerned with the psychic expressions of epilepsy.

There are either preepileptic or equivalent or post-epileptic or intervallary or demented states.

These states may have important forensic consequences of civil or criminal character.

En daziel states the epileptic is in a condition similar to hypnosis and his act may be the product of suggestion. Legal documents executed in such state are not valid.

Dagid states may give rise to accidents and thereby create seeming liability for convulsive epilepsy developed in a larvated epileptic.

Epileptics may commit the most atrociously brutal of crimes.

A crime resulting from an epileptic mental disorder may be preceded by depression or terror; may be accomplished with comparative deliberation and there may be a motive mixed up with an insane condition.

The epileptic may have no remembrance of the crime during the lucid period but remembrance may return with return of the mental disorder.

The mere appearance of seeming consciousness does not prove a conscious directing will.

As epilepsy is notoriously a state interfering with the free determination of the will the burden of proof as to responsibility in epilepsy under continental European codes and under the English common law as interpreted in the western United States rest on the State.

Dr. J. Mount Bleyer's paper, of New York, "How Social Offenders Should Be Treated," is thus summarized:

The subject before me which I present to the Section of Medico-Legal Medicine deals with a problem if we may call it, Social Medicine.

I have taken it up from various points, viz.:

Under the heading "Nature and Nurture." What do I mean by these two words? Now, the real fundamental thorough-going factors in the work of protecting society and reforming criminals are Nurture and Nature; but unhappily, as yet these two have not combined for the production of a perfect humanity. Nurture, in the mass of the lower classes and a larger proportion of the upper, distinctly fosters evil propensities; and Nature, in her uniform action, which we term the organized law of heredity, brings children into the world who are simply the counterparts of their mentally and morally defective, in other words, vicious parents. There are year by year born in our midst unhappy babes predestined to a life of crime. The class is not a large one, as compared with our population, but it exists; and these babes, if they live, will develop into thieves, or murderers, or criminals of some variety; as surely as the male infant will become a man and the female babe a woman. What would a perfect Nurture (if we possessed it) accomplish for these babes? Nothing effective. The power of nurture is limited It can direct the force of nature, but it cannot alter the intrinsic quality of the raw material which nature provides. If the raw material is the criminal types of brain, the culture which aims at perfection will fail utterly to reform it into the type of virtuous man.

The other part of this contribution deals with our mental and moral idiots. Restraint until cured, or civilized. Nurseries and Schools; Celibacy and Congenital Criminals; Prisons and Causes of Crime, and the Duties of State.

In order to appreciate the points herein under the headings mentioned paper should be read in its entirety.

The paper of Clark Bell, Esq., of New York, Delegate from the Government of the United States to the Congress, entitled "The Progress of Railway Surgery in America," is thus summarized in the preliminary fasicule:

The paper gives the history of the development of the United States of America by the construction of the railway and its relation to the growth and advancing civilization of the North American Continent.

It gives the history of the construction of the Union Pacific Railway connecting the Atlantic with the Pacific Ocean.

It describes the enormous mileage of American operating railways and contrasts it with the railways of all the world combined.

It illustrates and explains how such an enormous volume of commerce and industry has created of necessity the great volume of cases known as "Accident Cases" occurring to the passengers upon railways and to the railway employes and the tremendous impulse it has given to a surgery peculiar to itself, sui generis, and which in America is known as Railway Surgery.

It briefly alludes to the organization of Railway Surgeons connected with the great railways of the country and gives a list of the names of the leading Railway Societies of the American nation, and it defines and describes the practice of surgery that has grown up as the necessary sequel of the construction and operation of the American railway in the United States of America.

The paper of Dr. Clark Bell, "Review of the Decision of the Court of Appeals in the Case of Albert T. Patrick," is thus summarized:

This paper presents the case of Albert T. Patrick convicted of the murder of William M. Rice, charged as accessory of Charles F. Jones, the valet or secretary of the deceased upon the evidence of Jones who swore that he administered chloroform to Rice at the suggestion of Patrick, and upon whose evidence the conviction was had, the District Attorney promising immunity to the alleged murderer Jones. An appeal was taken which reached the Court of Appeals which is the highest Court in the State of New York. The Bench of this Court is composed of seven judges, four of whom voted to sustain the conviction, denying a motion for a new trial, and three of whom dissented, Mr. Justice O'Brien writing the leading dissenting opinion in which Mr. Justice Vann and Chief Justice Cullen concurred, the latter of whom also writing an opinion.

The prevailing opinion of the Court was written by Mr. Justice Gray. The paper makes selections from the opinion of the several Judges, the contention of the prevailing opinion being that Rice's death was due to the chloroform inhalation and the dissenting Judges, that there was not sufficient evidence that Rice died from the effect of cholorform and that his death was due to natural causes.

The methods of administering the chloroform as described by Jones, the fact that the body was embalmed shortly after death before rigor mortis with falcon solution of arsenic established beyond doubt the falsity of Jones' testimony.

The paper by Dr. Clark Bell, entitled "The Medico-Legal Questions Arising in the Case of Albert T. Patrick, Convicted of the Murder of William M. Rice by Alleged Inhalation of Chloroform," is then given and is thus summarized:

This paper presents the history of the application made to the Medico-Legal Society of New York in the case of Albert T. Patrick pending in the Court of Appeals on the allegation that the body of the deceased had been handled by an embalmer about two hours after death, by the arterial process, no blood at all being taken from the body and an allegation that the conviction was based upon the evidence of an alleged accomplice and was incredible and unreliable and that death could not have occurred by the inhalation of chloroform as claimed by the prosecution and sworn to by the witness Jones.

The paper contains the action of the Medico-Legal Society upon the application, the appointment of a Committee by the President of the Medico-Legal Society upon its order; a series of questions submitted by the President of the Medico-Legal Society to a Commission of six members, the Report of the Committee made February 15, 1905, finding that death was due to natural causes and was not caused by the administration of chloroform, based upon a careful examination by the Committee of all the evidence in the case from the printed record, the discussion of the coming in of the Report

and the approval by the Society of the unanimous Report of the Committee with the views of the President upon the same as a part of the paper.

That death was due to natural causes and not to any administration of chloroform.

The next paper by Dr. Robert Reyburn, of Washington, "Cancer and Cure of Cancer and Some of the Causes of Failure in Treating Malignant Growths by X-Rays and Electric Currents." This paper is thus summarized:

How shall we treat cases of cancer in the early stages (the only period when we can hope for favorable results)? If these growths occur at or near the surface of the body, the very best method of treatment seems to be the X-rays or the continuous electric current applied to the growth.

One reason why the X-rays often fail to cure these growths, is that the application of X-rays or the continuous current is made over too small a surface of the body. It should be always remembered that the cancer cells are infiltrated into the tissues over a much larger area than the apparent surface of the tumor,—a space three times the size of the tumor should always be treated by either the X-rays or the continued current.

How do the X-rays and electric current cure morbid growths?

The writer believes there are three methods of cure, in which their beneficent action may take place and which vary according to the period of growth of the tumor.

1st. In the very earliest periods of the morbid growth, these agents cure by their stimulating and nutritive effect upon the vital processes.

2d. In the second or more developed condition of the morbid growth, when we apply stronger currents of electricity or give more vigorous X-ray treatment, we inhibit the growth of the tumor.

3d. When the growth of the tumor has more fully developed, we have to depend upon the necrotic or caustic effect upon the morbid growth of strong application of the X-rays or powerful galvanic currents.

Another important remedial action of the X-rays and powerful galvanic currents in these cases, is the fact that the local inflammation induced by them causes a zone of lymph to surround the tumor, thus incasing it and prevents it from infecting the neighboring tissues of the body.

Care must always be exercised to prevent too violent application of X-rays or too strong electric currents, for we may have a condition of septic poisoning developed from the extensive necrosis of the tissues produced by these agents.

Dr. Theodore Schroeder's paper, of New York, "How should 'Obscene" be Defined in Legal and Medical Literature," is thus noticed. We have not received a resume of this paper, but it will appear at length in the Transactions.

Dr. Albert J. Atkins' paper, of San Francisco, "Electricity as the Basis of Life's Activities," is thus summarized by the author:

I have demonstrated by actual experiment upon living animals and human beings,—that so long as there is life in an organism, I find electro-magnetic activity; when life ceases there is no further activity of these forces within that organism.

The paper will appear in full in the Transactions.

Prof. Albert Vanderveer's paper, of Albany, N. Y., "Spontaneous and Criminal Abortion from a Medico-Legal Point of View," is thus noticed and summarized:

The writer presents three cases of criminal abortion to illustrate his views.

1. That criminal abortion prevails to a great extent among the very poor because of their true poverty; among the middle classes who feel they cannot afford to rear children and still maintain such a position in society as they wish; and sad though it may seem, among the wealthy and well-to-do, who will not assume the care of children, and who are able to secure reasonably safe professional ability.

2. That when summoned as a consultant great care should be exercised in investigating as to the causes in this individual case liable to produce a normal abortion, and the case cared for as such.

3. That when such causes are absent and the case is plainly or suspiciously one of criminal abortion, it should be reported to the proper legal authorities immediately; and beyond all argument when the men in the medical profession, as well as women who are possessed of some skill, and professional abortionists at large, should be prosecuted with the utmost severity whenever under suspicion for this crime.

4. That the advent of aseptic surgery has been made use of as a factor in augmenting criminal abortions, especially among the wealthy class.

5. That women should be educated to understand notwithstanding however scientifically a criminal abortion may be brought on it is always fraught with danger and has a mortality list. And that a large proportion of patients of this class, suffer from ill-health afterwards and are later frequently subjected to severe surgical operation.

6. That the reporting of cases and the discussion of this subject must necessarily lead to the public-at-large becoming more impressed with the enormity of this crime.

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MAGAZINES.

The delay in our June issue to embrace matters of so much interest to our readers enables us to notice some of the more valuable articles of the July Magazines. We cannot give a complete list in glancing at so many of the lay magazines and in many defer some of the scientific till our next. We notice only a very few of those we regarded of more interest to our readers of what will be a Summer instead of a June Number.

POPULAR SCIENCE MONTHLY.

RELATIONS OF EMBRYOLOGY TO MEDICAL PROGRESS, Prof. Charles S. Minot
THE PLANE OF ETHER.....President David S. Jordan
ARE THE ELEMENTS TRANSMUTABLE, THE ATOMS DIVISIBLE, AND FORMS OF MATTER BUT MODES OF MOTION?.....Prof. S. Lawrence Bigelow
PURE FOOD LEGISLATION.....Robert McD. Allen
THE GEOLOGICAL PRELUDE TO THE SAN FRANCISCO EARTHQUAKE.....George H. Ashley
OUR GREATEST EARTHQUAKES.....Myron L. Fuller
THE TYPHOID FEVER EPIDEMIC AT PALO ALTO, Edith V. Matzke

PEARSON'S.

THE RAVAGES OF CANCER.....Rene Bache
FIGHTING THE GHOSTS.....M. F. Goron

THE CRITIC.

AN APPRECIATION OF IBSEN.....William Archer
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IBSEN AND THE STAGE .....Grace Coburn
IBSEN IN SOCIETY .....H. Wisby
VOLTAIRE'S BROTHER .....Charlotte Harwood

BOOK NEWS

LEXINGTON IN LITERATURE.....Joeph M. Rogers
HENRIK IBSEN .....Cornelius Weyganut

THE BOOKMAN.

REMBRANDT AND HIS ETCHINGS.....Mary C. Crawford
THE AUTHOR AND MODERN SOCIETY.....Raymond Allen

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A SOIREE AT RICHARD WAGNER'S.....Richard Faltin
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HOW AN OPERA WAS WRITTEN.
THE MUSICAL EDUCATION OF THE YOUNG.....J. Dalcroze

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EARLY BUSINESS BUILDINGS OF SAN FRANCISCO, Agnes Buchanan
ROMAN ART .....Jean Schoffer

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THE REMBRANDT TRICENTENNIAL.....Ernest Knaufft
TUNNELING THE SEINE AT PARIS.....E. C. Morel
MICHAEL DAVITT, THE IRISH PATRIOT.

CURRENT LITERATURE

DEMOCRACY'S PROBABLE STANDARD-BEARER IN 1908,
William J. Bryan
HAMLET AS A TYPE OF HUMAN DEGENERACY.
INFLUENCE OF TUBERCULOSIS ON ART IDEALS.
I MUST TAKE A REST.....Henryk Sienkiewicz

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REFORM IN THE MAKING.....Henry H. Lewis
AN AMERICAN LOURDES.....Alexander H. Ford
IN THE HOUSE OF YESTERYEAR.....Louis J. Vance

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THE WOMEN OF JAPAN.....Adachi Kinnosuke

HOUSE AND GARDEN.

INTENSIVE FARMING IN CALIFORNIA.
THE MODERATE COST HOUSE IN PHILADELPHIA.
THE FIRST COUNTY PARK SYSTEM IN AMERICA,
Frederick W. Kelsey

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THE ACHIEVEMENT OF A GENERATION,
President Edwin A. Alderman
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LINCOLN, MASTER OF MEN.....Prof. E. Walter Sikes
THE VALUE OF A STATE LITERARY COMMISSION,
John P. Kennedy

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SCRIBNER'S.

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THE BRONG-HORNED ANTELOPE.....Ernest Thompson Seton
THE GRAND TRUNK PACIFIC.....Cy Warman

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AMERICAN MAGAZINE.

THE TAMING OF ROGERS.....Sherman Morse
REAPING WHERE WE HAVE NOT SOWN....Julian W. Helburn
THE SINGLE WOMAN'S PROBLEM.
THE SLAVE OF COTTON.....Henry K. Webster

THE LADIES' HOME JOURNAL.

HOW TRAINERS GET ACQUAINTED WITH WILD ANIMALS,
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BACK TO THE FARM.....Craig Law
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MAKING SILK OUT OF GUNCOTTON.....Clarence Hutton
CREATING A DEEP-SEA HARBOR.....N. A. Bowers

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LIFE AND TIMES OF ANDREW JACKSON....Thomas E. Watson
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THE NEXT CONSTITUTIONAL CONVENTION.Hon. Walter Clark
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HOME .....Louise H. Miller

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HONORS TO THE FLAG.....Capt. Harold Hammond, U. S. A.
THE GREAT SEAL OF THE UNITED STATES.Thomas W. Lloyd
THE MAGIC TEAPOT.....Florence Peltier

THE SIGNERS AND THEIR AUTOGRAPHS....Mary C. Crawford
THE BOYS' LIFE OF ABRAHAM LINCOLN.....Helen Nicolay
THE STONE OF SUCCESS.....Mary E. Mitchell

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THE DESTINY OF WOMAN.....Charles Wagner
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Graeme M. Hammond, M. D.
THE CALL OF THE BLOOD.....Robert Hichens
INDIVIDUALITY IN THE HOME.....Martha Cutler

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CERTIFIED MILK AND OTHER FORMS.....Joseph H. Adams
CITY BOYS ON THE FARM.....John D. Keeler

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DOG DAYS .....Emery Pottie
THE REAL DEBAUCHERS OF THE NATION....Eugene V. Debs
THE OLD DARNMAN .....Charles L. Goodell
THE SECOND GENERATION.....David Graham Phillips
NOT ON THE PROGRAMME.....George Sanderson

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HOUSES BUILT OF SOLID STONE.....Walter Mueller
A NEW WEST BUILT OF CONCRETE.....O. E. Sovereign
THE COLLIE—A DOG WITH A MISSION.....Harry W. Lacy
A WEDDING TRIP IN A CANOE.....Flora K. Edmond
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Harriet T. Morison
TAMING A COYOTE.....Effie W. Thoms
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THE VILLAGE IMPROVEMENT SOCIETY.....Delia T. Lutes
IN THE INTEREST OF BREAD-WINNING.....Bertha Hasbrook
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THE RACIAL DEVELOPMENT OF THE NORTHWEST INDIAN .....Edmond S. Meany

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IBSEN; HIS PLAYS AND HIS PHILOSOPHY.
AN INTERVIEW WITH MR. MANSFIELD.....L. J. Hillhouse
"AGAMEMNON" AT HARVARD.....H. G. Baker

THE VOTER.

315 Dearborn Street, Chicago, Ill. May No., 1906, Sherburn Merrill Becker, Mayor of Milwaukee.

June No., 1906. Judge Davis N. Carter, of the Supreme Court of Illinonis.

ILLINOIS PRIMARY ELECTION LAW.

Foster Dwight Coburn, of Kansas.

DR. GEO. R. TABOR, OF AUSTIN, TEXAS,
State Health Officer and Surgeon General of Texas,
First Vice President American International Congress on Tuberculosis.

MEDICO-LEGAL PAPERS.

BY R. HUDSON RILEY, ESQ., F. S. S. A., LONDON,
Vice President American Branch Section of the London Society of Science, Letters and Arts, of New York City.

The Medico-Legal Society, Clark Bell, Esq., President, New York City, has its representatives in Alaska, Belgium, Brazil, China, England, France, Germany, Holland, Hungary, Italy, Portugal, Saxony, Sicily, Spain, Hayti, Oregon, Mexico, Peru, Japan, Manitoba, Norway, Nova Scotia, New Brunswick, Quebec, Russia, Sweden and Turkey. The title of this Society is not modern. A system of legal medicine was first proposed by Fidele, of Sicily. Paul Zacchias, 1621-1635-1650, published questions Medico-Legales, and Michaleis delivered the first recorded course of lectures on Forensic Medicine, in Leipzig, in 1650 and 1660.

A. D. 219, Archagathos, a Greek doctor, came and settled in Rome. At first he was welcomed there, received the citizenship and induced the Senate to buy him with the public money a house in which he could treat the sick and dress their wounds. He was only applied to in cases of fractures or sores; for internal maladies belonged to the province of the quacks and the gods. For some time he was the fashion; then as his therapeutics consisted cheifly in burning the sores and cutting off broken limbs, he was at last set down as a butcher, and the whole town of Rome declared doctors useless. Such was the opinion of Catholic Elder, who believed in old women's remedies and has left in a number of receipts that our latest village sorceress would not have disowned. He says the Greek race is very vicious with its literature; it will spoil everything at Rome. It will be far worse if it sends us its doctors. They have

Read before the Medico-Legal Society, at March meeting, 1906.

sworn among themselves to kill all the barbarians with their medicines. They make us pay dearly for obtaining our confidence and poison us the more readily.

Cato wrote to his son: "My son, remember that I forbid thee doctors. Cato."

Pliny adds he thought that medical service ought to be gratuitous and that is why, though they invited Aesculapius to Rome, the Romans relegated him to a temple built outside the gates on the Tiberine Island. The form of a vessel had been given to that Island and there may still be seen sculptured on its stone brow the staff of Aesculapius and the serpent twisted round it.

A. D. 429, a temple was consecrated to Apollo (without the walls). The Romans did not look high on him, but as a useful god who kept off diseases. The serpent which silently glides under the grass and after its winter sleep strips of its skin to assume a new one, was in the eyes of the ancients a wise creature which knew the simples from whence healing juices are taken and the symbol of a renewed life after illness or death. If we renewed our skin could we live forever and is the serpent of old still silently gliding, gliding, gliding. (?)

Chemistry is a very ancient science. It was founded by Dr. Faustus. His life was written in the 984th year of his age by Artephius. The chemists in their books say that he prolonged his life to a thousand years and then died voluntarily. The sect of the Rosicrusians, 17th century, were more of an alchemistical secret brotherhood than mystical. The mystic savants of the Jews pretended to find out with the Bible the wonderful mysteries of the letter O, multiplied by 7 and divided by nine, and the devout brothers of the Rosy Cross will pray fervently sixty-three mornings, then transpose certain letters, and if he lives long enough and follows the prescription exactly he will have revealed Theopus Magnum. Paracesus in the 16th centnry, was the Prince of quackery. His full title was Phillippus Aureolus Theophrastus Bombastus de Hohenheim. He was a great empiric; was born in Switzeland. Medical authors in his day were called dragons, so styled from their actual blood letting.

Dr. Harvey's discovery of the circulation of the blood. Sir William Temple, on behalf of the ancients, questions

its truth or advantage, saying whether either of these, the Copernican system or the circulation of the blood be modern discoveries or derived from old fountains is disputed. Nay, it is so, too, whether they are true or not, but if they are true yet these two great discoveries have made no change in the conclusions of astronomy, nor in the practice of medicine, and so have been of little use to the world, though perhaps of much honor to the authors.

Sir William Collins says, That by means of that blessed word, "research," we may enlarge the bounds of human knowledge, push back the penumbra of ignorance and error and annex new continents of thought to the empire of science. Give us the talent to see things just as they are to decide important matters, by making a wise choice between several possible views.

Psychical Resarch. I was pleased to see in your Medico-Legal Journal a common sense article from A. A. Burgess, M. D., San Francisco, Cal., but the title, Immortality, is too comprehensive, for deity will not destroy time nor space, for his article and no proof, but is another proof of that psychic force in the Universe that is one of the masters of the laws of nature that can change gravitation, and our preconcerted ideas by an undiscovered cause for great phenomena, which facts prove, if facts do not prove, where can a basis be made for any theory. Query. Give us the laws of telepathy. Is it a wireless telegraphy between soul and soul and when properly attuned can whisper in the brain the thoughts of others. Hypnotism can be self-induced. If you could get an account of Molly Fancher, of Brooklyn, bed ridden for thirty years; a remarkable case I can vouch for, she will tell you who is coming to see her and see him or her blocks and blocks away. I have made many researches, and on the whole am not so much of a skeptic, for this subject is not proven by arguments, but by concurrent testimony and by personal experience. What is intuititive inspiration. My wife can tell in the morning and feels who is coming to see her in the afternoon. This is only a note.

Psychhic. Every phenomena must have some value to the physical Medico-Legal and psyschical scientific and religious virtuoso; yourself and myself.

A. D. 1878, Elements of Medical Jurisprudence. Dr. Sam'l Farr: "A succinct and compendous description of

such tokens in the human body as are required to determine the judgment of a coroner and of courts of law in cases of divorce, rape, murder, etc., and direction for preserving the public health.

Elementa Medicine Forensic, published in Geneva, 1767. Faselius-Casper claimed to have purified Legal Medicine from all. He relegated to the schoolmen irrevelant rubbish such quibles as Hermaphroditism and of Adam, alleged impregnations by the Devil and Zaccial (for a dozen children at a birth.)

Anthropology. Criminal Anthropology is one the most important branches; it is so intimately connected with man in his relations to society. In sociological studies the great question comes forward: How shall we punish man? The Criminal man. What is a criminal?

Criminal Responsibility. Before the case of Hadfield, by the laws of England, no insane man could be punished. The medical man who assumes that the insane man is amenable to law and favors his punishment and excludes from consideration all refrence to law, does not act with justice, for law is justice, and justice is given to man from the bosom of God, hence Medico-Legal societies have spread over the United States and Europe, hand in hand; one the pattern of the Great Physician, the other from the Spirit of the Almighty.

The nervous system requires a mental medicine. The study of nervous diseases will be found most useful to the practitioner. Criminal Anthropology has to deal with somnambulistic, deeds that are not always caused by an insane person, but internally lucid. A woman shot her lover in this hypnotic state and the law held her not responsible for the act. The man who invented the word Monomania, named Esquirol, did not use it in the sense used by jurists and the courts. It is now obsolete and being understood as partial insanity. I am searching through the world of science, literature and art and I am only a very active and ambitious compiler. If I gather the hickory nuts others may crack them. I take interest in the medical profession and am always delighted to read many articles in the Medico-Legal Journal, so skillfully edited by the Hon. Clark Bell, who combines to a very high degree the Forensic with the Medical knowledge.

Twenty years ago it was thought that the subjects of criminal responsibilities had been exhaustively treated, but today still deeper are its roots to be examined and who but the Medico-Legal philosopher can legitimately research and renovate the penalties now in vogue, some of which are almost equal to Mosaic barberism.

The word Forensic Medicine I do not understand, but drug consumption is readily known by its patients and the evil effects when improperly administered. Rum is not the only drug. Alcohol exists potencies in all liquid drugs. Alcohol is almost universal in water, wood and earth; but more terrible are the narcotics choral, meroin, opium, cocaine, quinine, cannabis indicis. Physicians realize the fearful ravages they make on the human system. If we must live on drugs or narcotics let us stick to pure coffe, pure whiskey, pure tobacco; they are in last stages often the stimulus that keeps the heart vibrating and holds the thread of human life from breaking in its frail body. A total abstinence man died from eating pickles and a man died at the World's Fair, 1876, at Philadelphia, drinking three glasses of cold buttermilk on a 110 degree hot day.

Science and the Governments are hand in hand through the Medico-Legal Congresses to and in the cause of the humanities and in co-operation with the following Congresses on Tuberculosis or consumption, the enemy of mankind, its extirpation demands National and State legislation; momentuous questions are presented to occupy the gravest and ablest thinkers of all the profession in all the countries of the world. By the action of the Government of the United States the success of the American International Congress on Tuberculosis resulted in the attendance at St. Louis of delegates from many countries of the Western Hemisphere, North and South America; presents the strong and paternal regard manifested by our government in the welfare of its population and of all countries, combining to minimize the sufferings of the human race through the ravages of this dread disease.

To the Paris Congress, in October, 1905, we had three delegates appointed. It is to be devoutly prayed for that the agent appointed by the Secretary of State will more quickly respond to the forecoming International Medical

Congress, at Lisbon, to be held April 27, 1906. Dr. Miguel Bambardo, secretary, at Lisbon; Dr. Ramon A. Guiteras, secretary American Medical Committee to Lisbon International Congress, New York City, of which the Hon. Clark Bell is chairman. On which occasion will be read very important papers by the Hon. President of the Medico-Legal Society of New York City; Wm. Lee Howard, M. D., Vice President Medico-Legal Society, of Maryland; Dr. Jennie McCowan, Vice President Medico-Legal Society, Davenport, Iowa; Dr. J. Mount Bleyer, Second Vice President Medico-Legal Society, on the present absorbing subject, "Anthropological Criminology; How Shall Social Offenders be Treated from a Scientific Point of View." Dr. Robert Reyburn, Vice President Medico-Legal Society of the District of Columbia, Washington; Dr. Major Robert Wilson Shufelt, M. D., New York City, on the subject, "The Medical Importance of the Carunculle Mytiformes." A. P. Grinnell, M. D., New York City, on the subject, "Medical Expert Testimony." This subject is of great importance in criminology, and of late years has occupied the bench a great proportion of their time. Other papers will beread from American authors. (Subjects not as yet named.) This Congress will be a most noteable event. It has been proposed to tender the Hon. Professor Dr. Caesar Lombroso, of Turin, Italy, a suitable testimonial, in the shape of an album autograph sketch with portraits, as a "perpetua" momento of the high regard, esteem and honor he holds in America, as in Europe.

HON. CHARLES E. WHEELER,
Cedar Rapids, Iowa.

THE SLIFER CASE IN IOWA.

BY HON. CHARLES E. WHEELER, CEDAR RAPIDS, IOWA.

Hon. Charles E. Wheeler was one of the counsel for the defense and he has contributed, at the request of the President of the Medico-Legal Society, his brief view of the case, as a part of the discussion to form a part of the Symposium:

Cedar Rapids, Iowa, June 21, 1906.

Hon. Clark Bell,

39 Broadway, New York City, N. Y.

My dear Sir:—

I have been so busy in court that I have not had time until now to submit a paper, as requested by you, pertaining to the case of the State of Iowa against Slifer, and I can now give only the outlines of the case.

Slifer was charged with the murder of his wife; and it was stated in the indictment that the murder was committed by his, Slifer's, administering chloroform by inhalation to his wife, while she was sleeping, in such quantities as to cause her death. The evidence disclosed that Mrs. Slifer was a strong, healthy, young woman; that Slifer's brother was sleeping in the adjoining room, so that if any force had been used he would have been awakened; so that as the charge stood it involved the question as to whether a non-expert could administer chloroform by inhalation, to a strong, healthy, adult person, who was sleeping, sufficient to cause her death without awakening her. The defense took the ground that this was impossible. Hence the mass of medical expert testimony upon the question.

The case is of unusual interest, first, because it is the first time within our knowledge where murder has been charged by the administration of the drug by a non-expert to a sleeping person by inhalation, thus causing death

without awakening the victim. It was admitted by the defense that the deceased came to her death by chloroform, but it was insisted that she swallowed the drug with suicidal intent.

The evidence disclosed that the parties had been married about a year, and were living with defendant's parents; that Slifer and his wife were raised in the same neighborhood, the parents of both being farmers, and the match being satisfactory to both families; that up to the time of Mrs. Slifer's death they had lived happily; and the state was not able to show any motive for the crime. The state proved that Slifer and his wife made a trip to Marshalltown, Iowa, the day preceding her death, and introduced a drug clerk and an amateur detective, who swore that defendant Slifer bought a twenty-five cent bottle of chloroform in Marshalltown that day, saying that he wanted to kill a dog with it; that the morning after Mrs. Slifer's death this bottle, with the druggist's label on it; showing where and from whom it was purchased, was found in her room, nearly empty; that the bottle was shown to the defendant Slifer and that he said that he had not purchased it and knew nothing about it. This was the strongest testimony, tending to show Slifer's guilt, which the state produced. These witnesses were much shaken upon the question of identification on cross-examination; and to strengthen the defense of suicide, the defense was able to show that prior to the marriage Mrs. Slifer had been troubled with a skin disease, known as vitiligo, which caused unsightly spots to appear upon her skin, and that she was greatly worried by these and had said that if they should appear upon her face she would kill herself, and that just before the trip to Marshalltown one of these spots had appeared upon her neck.

The next morning after her death, a note written in pencil (as the defense claimed, by her) was found upon her dressing table in her room, saying in substance, "This is the method that I take to get rid of all my troubles." The state insisted that this note was really written by the defendant. Sometime after her death, her husband found a piece of paper in a clean pair of stockings that he had put on and which had been in the room where his wife died, which paper contained the words, "Seek and you

shall find." He took it to his local lawyer, who advised him to have the room thoroughly searched. Upon doing so, a letter, purporting to be written by his deceased wife, was found hidden behind a picture frame in the room, in which she stated in substance that she was getting him to go to Marshalltown in order that she might procure chloroform with which to commit suicide, and that she would drink the chloroform. The state claimed that this letter also was a forgery. As you know from Dr. Fairchilds' paper, the autopsy showed some red spots in the stomach of the deceased, thus tending very strongly to show that the drug had been taken into the stomach rather than by inhalation.

We were twenty-one days trying the case. It was replete with sensations. The defendant was a young farmer of good character. The judge of that district, knowing only the state's side of the case, refused to allow the defendant to give bond for his appearance and at the time of the trial he had been in jail nearly a year. I never saw such interest taken before in a murder case. The jury promptly returned a verdict for the defendant, immediately after which the jury and hundreds of the spectators filed past the defendant and congratulated him upon the result.

This case has already proved of great interest to the medical profession throughout the country, and will undoubtedly become a leading case in medical jurisprudence.

Mr. A. N. Wood, of Grundy Center, Iowa, and my partner, F. F. Dawley, were engaged with me as attorneys for the defendant Slifer. The state was represented by County Attorney Reisinger, who was assisted by C. R. Albrook and Charles Pickett.

Very truly yours,

C. E. WHEELER.

PSYCHOLOGICAL.

This Department is conducted with the following Associate Editors:

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as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of $1.50.

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THE "HAUNTED HOUSES" WHICH I HAVE STUDIED.

BY PROF. CAESAR LOMBROSO.

Owing to the noise that has been made recently about certain "haunted houses" in England, France and elsewhere, I have been asked to state my views on this subject. I certainly have no intention of building up theories on a subject so obscure and even so controversial; but I have no difficulty in recalling, for the benefit of the readers of the "Annals of Psychical Science," the principle occasions I have had to concern myself personally with spontaneous phenomena of this description.

I will begin by speaking of a "hantise" which I was not able to examine actually de visu, but as to which I made a personal inquiry which gave most interesting results.

I had heard it said, in 1892, that strange phenomena took place in the house, No. 7, Via Pescatori, at Turin. I went there in December with my daughter Gina. Having been roundly snubbed by the indignant concierge, we found ourselves obliged to lay a regular siege to the premises, until two neighbors were good enough to inform me that the events in question had really taken place in that house, but some years previously, and in the portion occupied by the Pavarino family, who had since removed and now lived at No. 12, Via Napione.

We went there and found a modest family of working people. According to my invariable custom, I began by studying the people themselves among whom the events had taken place. M. Pavarino was a healthy man, but of a singular character; his wife, on the other hand, was hystero-epileptic and anaemic; she frequented the so-called

healers; her father had died of phthisis contracted during the war; her mother suffered from scrofula. She had a sister who was a "medium," who could make tables dance, and who had four children with superfluous fingers. Mme. Pavarino had at that time a daughter aged 21, who was rickety, sickly, neurasthenic, and who frequently produced the spontaneous movement of objects; another daughter 10 years old, and two sons, one 14 and the other 8, all healthy. She gave the following account of her experiences:

"On the night of September 5th, 1882, towards midnight, when M. Pavarino had only just returned home, and while I was working at the table with my eldest daughter, we suddenly heard a noise as of a basin of water being overturned; we looked, but saw nothing at all. Supposing that it was a hallucination we attached no importance to it, although we heard some other noises as of objects being displaced; and there it stopped.

"On the following morning the bell of the entrance door and those of the rooms began to ring. As the children were much alarmed by it I went to the landlord; an architect and a builder were called in, they examined the bells, moved them, filled them with lime and tow, but in vain; even after the wire was detached the bell thus isolated continued to ring. We heard also continual groans in the house, day and night. My husband and the two boys saw shadows at night; the two girls and I did not see them, but we slept in another room.

"My younger daughter, now married to M. Ottolenghi, slept in the same bed as her elder sister; she was aroused during the night by blows struck upon her as though by a stick, and pinchings which left bruises all over her body, her bed-coverings were continually removed. My eldest daughter, who afterwards married M. Revelli, Registrar at Mondovi, felt nothing, and did not even wake when she was called by the other members of the alarmed family.

"In the other room, one night, my husband and the two boys heard groans, and a great noise as of swords clashing together; M. Pavarino saw shadows and moving lights; he was so alarmed by them that he did not want to come home to sleep. My sons only heard groans.

"During the day articles were incessantly moved. One day, while I was in the kitchen, a plate left the dresser and came on to the table, after which it returned to its place. A bersagliere's hat, which had been given to my younger son, jumped about continually; one of our neighbours, a quartermaster in the army named Giolitti (at present employed at the Foundling Hospital), tried several times to nail the hat to the wall, but in vain, for the hat immediately followed him about the room.

"The concierge came into our apartment one day; she had scarcely reached the threshold when we all heard the well-known sound of water upset; the good woman cried out; she was soaked through without having seen the water.

"One evening I was in the street in front of the house; I had sent my little girl to fetch something from our apartment: she came back quite frightened, saying that there were robbers, that she had heard them moving about, and had seen candles going to and fro. Two soldiers, who were present, went to our rooms, and actually saw little flames flitting about without being carried by any hand; they withdrew, terrified.

"Another day, my eldest son's master came to see us. All was quiet, but about ten o'clock, when he was on the point of leaving us, we suddenly saw the door of the cupboard, in which we kept the shoes, open; the shoes came out in regular order and paraded in front of the visitor.

"All these phenomena lasted, in their full intensity, for about eight months. For five years more we sometimes heard the bell ring, and groans; the coverlets of the beds were still removed from time to time. After my eldest girl left us, the one who is married at Mondovi, we heard nothing more; even at Mondovi no phenomena have occurred."

I naturally tried to collect testimony as to these events, and obtained the following:

DECLARATION BY M. GIOLITTI.

"In September, 1882, I lived in the same house as M. Pavarino, who was billiard-marker in a cafe, and came home late at night—towards one o'clock. I myself came in habitually about 10:30 p. m. But one night, having

returned at half-past eleven, I was met by the Pavarino family, who seemed glad to see me. Suddenly I heard the bell of the entrance door ringing violently several times, until it came off and fell to the ground.

"One of the rooms in the apartment communicated on one side with the kitchen and on the other, by a corridor, with Mms. P.'s bedroom. It was the room in which the two boys slept; above the bed was a small board fixed to the wall, on which had been placed a bersagliere's hat and some shoes. The hat fell to the ground while I was with Mme. P., the eldest daughter, the two boys, and the concierge, in Mme. P.'s bedroom: we went and replaced the hat on the shelf, but we had scarcely returned to the next room before it fell again, not under the board, but some paces away. Twenty times did we put the hat back in its place, and twenty times it fell down again; at last I nailed it to the board, and in spite of this we had scarcely returned to the adjoining room when we heard it fall to the ground again. We then left it lying, but now it was the turn of the shoes to fall. The hat, however, did not go out of the boys' room. The phenomenon also occurred when there was a lighted candle in the room, but less frequently.

"This went on until half-past two in the morning; I went home at last, very tired, having to rise early. I noted the phenomena after they had occurred, but I did not see them at the moment of happening. At one time I placed myself near the door of the children's room, with the intention of entering quickly and catching anyone who caused the hat to fall: once, on thus entering suddenly, I saw falling to the ground as much water as a table-glass would hold; there was no tap in that room.

'I felt absolutely no fear; on the contrary, I amused myself with witnessing these phenomena; only I thought that they were probably due, not to spirits, but to some joker or ill-intentioned person, skilled in conjuring tricks, and well acquainted with the apartment. But I could not explain how a person could proceed in order to produce them."

ALBERT GIOLITTI.

May 13th, 1896.

DECLARATION OF M. PAVARINO, JUNR.

"The events lasted for two months, beginning in September, 1882.* I remember that while I was putting a watch right, I found that it was no longer in my hands; I afterwards found it in another corner of the house. The bersagliere's hat, which moved about incessantly, described a course like this, ∧ : that is to say, before falling it rose over a curtain and fell on the other side.

"One evening my father decided to watch in the chamber; he went into it with a revolver and a small lamp. He had scarcely entered when the lamp went out, and he heard a noise of swords clashing together, then of a falling body, but saw nothing; he began to call out and threaten, but the noises continued. Finally he went to bed, at the same time as my mother; but all night long they heard a noise as of a great dinner, an orgie; my sister, too, in the other bedroom, could not sleep on account of the noise of the imaginary banquet.

"The bells of the apartment continued to ring for two months in succession. We tried removing the wires, and putting tow in them; we fetched an architect, but all in vain, and the ringing did not cease until the bell was removed.

"My younger sister, while passing through that chamber one evening about 8 o'clock, was seized by the hair, raised a foot or more from the ground, then let fall again when the rest of the family came in.

"Another evening, while several persons were watching the performances of the bersagliere's hat, they saw three pairs of shoes, which had been hidden behind a screen so that they should not be disturbed like other articles, come out and move about in the room, after which they returned to their original place.

"As to the bell, the gentleman who came to our rooms to investigate matters, and to try to find out the cause, is the present owner of the house, M. Petiti, architect. He

*The disagreement between the various witnesses as to the duration of the phenomena is probably more apparent than real. It has been seen from Mme. Pavarino's declaration that these strange occurrences only ceased by degrees; the disagreement, therefore, relates only to the length of time during which the phenomena continued at their height, which is mainly a matter of personal opinion.—C. L.

searched all over, but found nothing; as the neighbours advised him to break through the walls at a certain place, he sent for a mason and told him to break through the wall and see if there was anything there. The man, while at work, heard such a noise that he was frightened and left, refusing to continue his work.

"Another evening we heard heavy blows of a stick struck on the bed, but without the persons who were lying in it feeling any pain."

(Signed) PAVARINO, Surgeon-Dentist.

DECLARATION OF M. AND MME. LOSSA.

"About September, 1882, our curiosity having been aroused by the tales we heard every day from M. Pavarino, as to extraordinary events taking place at his house, in the Via Pescatori, we went there with him, accompanied by our daughter, aged seven, and by a shop-boy of ours; we were rather inclined to doubt the truth of these events.

"We had been for about an hour at the Pavarino's, who were telling us what had happened during the last few days, when we heard a sharp peal at the bell; we went to the door but found no one there; meanwhile the bell continued to ring full peal.

"We had not long returned to the apartment, when we saw two shoes, which had been placed on a board in the children's room, fall violently to the ground; immediately afterwards, a bersagliere's hat, which was on the same board, fell in its turn. We noticed that the shoes and hat, in falling, did not follow the natural course of a body left to itself, but described a curve, so that they left the chamber by an adjoining door and entered the passage. We extmined the board carefully, but saw nothing which would have produced the falls in the manner described. Before leaving, we heard the lamentations of the concierge, who had been sprinkled with water while passing through the corridor of the Pavarino's apartment.

"Some months later we heard from young Pavarino that these events had completely ceased."

GIUSEPPE LOSSA.
MADDALENA LOSSA.

Turin, May 6th, 1896.

Our enquiry ended there. I was perfectly aware of the weak sides which it presented, but I also understood that it was almost absolutely impossible for me, ten years after the events described, to clear up all the small details to which, under other circumstances, I should not have failed to draw attention. In any case, my researches, incomplete as they were, had been sufficient to persuade me that the phenomena of the Via Pescatori must be genuine as a whole, and I resolved not to let slip an opportunity of personally visiting one of these haunted houses whenever it might present itself.

This opportunity was afforded me in November, 1900; a Turin newspaper had reported some apparently extraordinary phenomena which were taking place in a wine and spirit store, at No. 6, Via Bava, Turin, not far from Via Pescatori.

On the morning of November 16th, when only the wife of the shopkeeper and the assistant were in the house, they saw first of all, according to what they said afterwards, a vessel containing liquor, which was on the kitchen table, turn over of itself; other vessels did the same; the furniture, the saucepans, and all kinds of articles commenced to dance about; some knocked together, others broke, others again disappeared entirely; the woman fainted with fright, the neighbors hurried in, and they telegraphed to the husband, who was absent from Turin, and who came back in all haste. All day long, under the eyes of several persons, the tables, chairs and utensils danced about. The phenomena continued on the following days, with only a few moments of respite.

Meanwhile other similar occurrences began to take place in a cellar which the proprietor, M. Fumero, used for storing bottles. It was noticed that when the cellar was entered, the bottles, empty and full, broke, always by the action of the same unknown agency. In vain did they have recourse to a priest who blessed the place. The police arrived in their turn, but they also were powerless; however, it was intimated to poor Fumero that this thing must stop, by love or by force. Fumero understood, and yielded to the argument, being already greatly injured by the material and moral damage which he had suffered.

Therefore when I presented myself at the wine shop on November 21st without giving my name, and asked for information as to the asserted phenomena, I was much surprised to hear the master of the house declare that the events of which I spoke had really happened, but that, very fortunately, "Professor Lombroso had come, and since then the disturbances had ceased."

Greatly puzzled by this reply, since I had never even set foot in the house before, I made myself known and asked for an explanation, desiring to find out whether someone had made use of my name, for purposes which I intended to discover later on, if necessary. M. and Mme. Fumero then confessed that, having heard that I was to visit the house, the idea had occurred to them of declaring that my appearance had put to flight the "spirits"! They thus managed to free themselves from the annoyance caused them by gossips and the police, for this purpose they saw no harm in attributing to me the powers of Grand Exorciser! But these good people then informed me that the mysterious phenomena was unfortunately still going on, and that perhaps I might have the opportunity of seeing them with my own eyes, if I would take the trouble to go down into the cellar.

I gladly accepted the offer. I went into the cellar, at first in complete darkness, and heard a noise of broken glasses, and bottles rolled at my feet. The bottles were ranged in six compartments one above another. In the middle was a rough table on which I had six lighted candles placed, supposing that the spirit phenomena would cease in the bright light. But on the contrary I saw three empty bottles, standing on the ground, roll as though pushed by a finger, and break near the table. To obviate any possible trick, I felt and carefully examined by the light of a candle all the full bottles which were on the racks, and assured myself that there was no cord or string which could explain their movements.

After a few minutes first two, then four, then two other bottles on the second and third racks detached themselves and fell to the ground, not suddenly, but as though carried by someone; and after their descent, rather than fall, six of them broke on the wet floor, already soaked with wine; only

two remained whole. Then at the moment of leaving the cellar, just as I was going out, I heard another bottle break.

Among the testimonies of persons who had been present at similar phenomena, on this occasion I will quote only that of the accountant, M. Pierre Merini, whose deposition completes my own to some extent. It bears the date of January 9th, 1901.

". . . There, [in the cellar], in company with several other persons, I saw bottles break without apparent and plausible cause. I wished to remain alone, the better to verify the phenomenon. The other persons having assented to this proposal, I shut myself up in the cellar, while all the rest withdrew to the end of the passage, from which the staircase leads to the upper floor. I began by assuring myself, with the aid of a candle, that I was really alone. This examination was easy, thanks to the smallness of the cellar, and the difficulty that there would have been in hiding behind the few utensils which were in it. Along the walls, lengthwise of the cellar, there was a series of strong beams supported at each end by posts. The planks resting on these beams were completely covered with bottles, empty and full. I also observed that the window looking out on the courtyard, which formerly served to light the cellar, was at that time obstructed by a plank.

"I then saw several empty and full bottles break of themselves before my eyes. I placed a ladder near the spot where they broke most frequently, and mounted to the top rung. I took an empty bottle which had been broken shortly before, and of which only the lower half remained; I separated it from the others, placing it at some distance from where it had previously been, namely, on the top of one of the posts which supported the shelves. After a few minutes the bottle broke again and flew into splinters. This is one of the facts which I can certify most precisely.

"On examining attentively the manner in which the bottles broke, I was unable to make out that the fracture wsa preceded by the special cracking noise peculiar to breaking glass. I had already observed that the empty bottles broke in this way, from which it was evident that

the explosion could not be due to the pressure of gas produced by fermentation, which besides was very improbable.

"To give an idea of the noise made by the bottles in breaking, and of the way in which they crumbled to pieces, I will add that it might be compared to the breaking of those drops of glass which fly into powder when they are scratched, and which are known as Prince Rupert's drops.

"On November 22nd Mme. Fumero, wife of the wine-seller, following advice that had been given to her, departed for her native place. She remained there for three days, during which time nothing unusual happened at the wine-shop in the Via Bava. On her return to Turin the phenomena recommenced. On November 26th Mme. Fumero left again, but this time the phenomena continued. They then decided to send away the boy who was employed there; the phenomena then finally ceased. Are we to conclude that these events were produced through his mediumship? This appears very probable, since it does not seem possible to attribute them to any trickery on his part. We have seen, in fact, that the phenomena took place in the cellar when the boy was not present; in the shop displacements of objects had been observed when he was present, but before the eyes of all."

In May, 1903, I had the opportunity of personally examining into phenomena which took place in another house in Turin, that of the compositor, Mignotti, 30, Via Messena. I was accompanied by Dr. Henry Imoda, who afterwards drew up a short report on the facts.

The family who inhabited the "haunted" house was composed of the father, mother, and two children; they lived in a single room, with one door-window giving on to a balcony which ran round the building, overlooking the courtyard. The furniture of the room was very simple; it consisted of a centre table, some chairs, a wardrobe and two beds.

Every evening for three months past, when one of the children, aged 8, went to bed, they began to hear very strong blows in the wall against which the bed was placed. These blows continued for several hours, far into the night.

They had tried in vain to clear up the mystery. The Mignotti family had applied to the police, who had made

careful and minute search, but, under the very eyes of the officers, the blows resounded with such force that the wall trembled under them, and the noise of them was heard even in the adjoining rooms; on placing the hand on the wall the vibration could be distinctly felt, such as might have been produced by the violent shock of a heavy body.

As soon as we arrived on the spot, Dr. Imoda and I carefully examined the walls and furniture of the room, especially the bed and the wardrobe. The child was lying beside its mother. Besides ourselves there were in the room the father, mother and two boys. Some moments afterwards blows began to be heard in the wall. This phenomenon was evidently directed by an intelligence. When a verbal question was addressed to the unknown cause of the noises, it replied by blows according to a conventional code; it was possible, in this manner, to carry on a conversation by having the letters of the alphabet denoted by the blows. I do not think it necessary to report the whole conversation; I will only remark that some of the things communicated by this occult cause were recognized to be correct, others absolutely false, others again inconclusive. After about a quarter of an hour the boy fell into a sleep; the blows, while still very strong, became more and more inconclusive as regards their significance, and finally ceased.

Such is the phenomenon, set forth as simply as possible. Everything shows that the boy is the cause, at least the immediate cause. He did not present any abnormal peculiarity. The intensity of the mediumistic phenomena seems to be dependent on his physical condition; during some days when he was ill with fever, caused by the grippe, the blows were less resounding. This fact is conformable with what has been observed with many other mediums—Eusapia Paladino among others—and it is highly disconcerting.

* * * *

In speaking of "haunted houses," I have had occasion, previously, to remark how curious it may appear that we can now report such facts, and find them in such numbers and so well attested, when almost whole centuries have passed without anyone taking notice of them, except among the lower classes, who are not, so to speak, in communication with the educated classes. It is not that they did not

occur; but, as the educated classes no longer believed in them, even when they took place, no one paid any attention to them.

At the present time they take place; they are reported; they are studied; however, they are still too easily forgotten, and learned hypnologists, sufficiently courageous and free from prejudice to concern themselves with them, are not yet very numerous. It has been seen from the second example I have reported, that if I had not been on the spot, the public, deceived by the people themselves who lived in the house, would have believed that it only needed that the police, or I, should present ourselves, in order to cause the phenomena to disappear; in other words, although the author of the fraud was not discovered, it would have been believed that these phenomena had been produced by a trick, and were consequently unworthy of study.

For may part, if I may have been wrong in denying these facts before studying them, I have not, at all events, thought myself bound to deny them because I did not succeed in explaining them.

CAESAR LOMBROSO AND SUPERNORMAL PSYCHOLOGY.*

BY ERNEST BOZZANO.

Although Professor Lombroso's work in the field of supernormal psychology does not include any publications of great length, yet it has been fruitful beyond all expectation in practical results, especially on account of the wide and deep response it found in Italy and elsewhere, and it formed a powerful incentive to a large number of men of science to resolve to investigate the same subject on their own account.

* * * *

The circumstances which led this eminent anthropologist to take up these researches are well known. It was in July, 1888; in No. 29 of the Fanfulla della Domenica there had appeared an article entitled: "The Influence of Civilization and Opportunity on Genius." This article concluded with these words:

"Every age is unripe for the discoveries made in it, or for those made shortly before; and when it is unripe, it is incapable of perceiving its own inaptitude, and of adopting them. The repetition of the same discovery, by preparing the mind to take it in, finds people gradually less reluctant to accept it. For sixteen or twenty years,

*[On the occasion of the scientific jubilee of Professor Lombroso, which has just been celebrated with much eclat in Turin, a book has been published which contains the expressions of opinion of many Italian and foreign savants, concerning the illustrious psychiatrist and anthropologist, each savant writing from a different point of view. The task of discussing the work of Lombroso, in connection with metapsychical phenomena, was confided to a valued contributor to the Annals, Signor Bozzano. It is this interesting monograph which we here reproduce for the benefit of our readers.—Editor.]

in Italy, the discoverer of pellagrozein(1) was considered mad by the best authorities; even now the academic world laughs at criminal anthropology, laughs at hypnotism, laughs at homoeopathy; who knows whether I and my friends who laugh at spiritism, are not in error, since, just like hypnotized persons, thanks to the dislike of novelties which lurks in all of us, we are unable to perceive that we are in error, and just like many lunatics, being in the dark as regards the truth, we laugh at those who are not in the same condition."

These admirable phrases attracted the attention of a serious student of supernormal psychology, Cavaliere Ercole Chiaia, of Naples, who, shrewdly divining the open mind and intellect of their author, decided to publish in No. 34 of the same paper, a letter addressed to Professor Lombroso, in which he categorically invited him to come to Naples and be present at experimental sittings, and thus to assure himself personally of the genuineness of mediumistic phenomena.

The invitation had no immediate result, inasmuch as Lombroso, at that time unacquainted with the laws governing these phenomena, made his acceptance depend upon stipulations which were not in accordance with those laws. Yet later on he decided to accept it, after having become aware that other men of science, including Dr. Acevedo, Prof. Brofferio, and Dr. Finzi, had been there, and had come away profoundly impressed.

In March, 1891, he was at Naples; and there, along with Professors Tamburini, Bianchi and Vizioli, and Drs. Ascenzi, Penta, Limoncelli, Gigli and Ciolfi, he was present at the first sittings with the medium Eusapia Paladino. The most severe measures of precaution were taken; Lombroso himself had chosen the place, designated the persons who were to be present, and fixed the day and hour for the experiments. At the same time the most rigorous methods of control were thought out and put in operation. Notwithstanding all this, unexpected incidents occurred at these sittings; among others, in full light, phenomena of transportation and movement of objects at a distance were forthcoming, and this in such conditions as to afford no room for doubt.

(1)An irritant toxic principle developed in fermenting maize, discovered by Professor Lombroso.—Translator's note.

Professor Lombroso, in his turn, came away profoundly impressed, and, conscientious man as he was, he did not refrain from openly declaring his thoughts in a celebrated letter to Dr. Ciolfi, the reporter of the sittings, which contained the following paragraph:

"I am ashamed and grieved at having opposed with so much tenacity the possibility of the so-called spiritistic facts; I say the facts, because I am still opposed to the theory. But the facts exist, and I boast of being a slave to facts."

This frank declaration from a man of such fame produced everywhere a profound impression. The daily papers took hold of it, and soon it spread to the scientific reviews, as well as to the literary and popular periodicals. The surprising news passed the frontier of Italy in a twinkling, and spread abroad in the world, giving rise to impassioned discussions, only too often of a partisan and intolerant character, whether for or against. Alexander Aksakoff, the illustrious student and systematizer of psychical studies, hearing of it at Repiofka, his summer residence, wrote to Chiaia, under date July 24th: "Glory to Lombroso for his noble words! Glory to you for your self-abnegation! You are amply rewarded for it."

A direct consequence of this was the memorable series of sittings at Milan, promoted by Aksakoff himself, and held in October, 1892, in Dr. Finzi's house. At these, besides Lombroso and Aksakoff, were assembled Professors Charles Richet, Shiapparelli, Brofferio and Gerosa, Drs. Finzi, Carl du Prel, and G. B. Ermacora. Lombroso obtained from these sittings the complete confirmation of the reality of the facts; and the minutes of these seances, strengthened by the authority of his name, along with those of others well known in the scientific arena (and that of Schiapparelli alone would have sufficed), signalize a historic date in the annals of the study of mediumship.

Last in order of the experiments of this nature at which Lombroso had occasion to be present, came the sittings at Genoa, in the years 1901 and 1902. At two of these sittings, held in the house of Dr. P. Celesia, at that time editor of the Rivista delle Scienze Biologiche, he carried out some very successful experiments on the exteriorization of sensibility.

We may also recall how, in 1893, he obtained from Cav. Chiaia the plaster casts of the imprints on clay obtained by

the latter during numerous experiments with Eusapia Paladino, in order to examine them carefully from a scientific point of view. Concerning these he wrote to Cav. Chiaia, on November 26th, 1893, as follows: "The matter of your casts turns out to be much more important than I could have believed. Sculptors have told me that they would not feel able to make them with such perfection in a month."

Such, briefly summarized, is the part taken by the eminent anthropologist of Turin in experimental research on the objective phenomena of mediumship.

* * * *

In the same year in which the initial sittings at Naples took place, there appeared in the Archivio di Psichiatria, Scienze Penali e Antropologia Criminale (parts I. and II., 1891) the results of a public investigation of his own, together with important private experiments with reference to transmission of thought. These researches he had undertaken in order to defend himself against the criticisms levelled at him for having asserted that the phenomena with Pickmann (the noted professional thought-reader), at which he had been present, were in great part genuine. Taking account of the short time during which they were carried out, these experiments gave remarkable results, and furnished good evidence on behalf of the views he upheld; at the same time they confirmed what had been observed by other eminent foreign investigators.

Nor did Lombroso's activity in the field of supernormal psychology stop here. Such was the temperament of the man, that he was not easily turned aside, but proceeded straight forward without a pause, caring nothing for the sarcasms and reproaches with which the conservative crowd revenged itself on his predecessors. Beginning with the year 1896 there appeared in the Archivio di Psichiatria a special section devoted to researches on mediumship. This daring initiative appeared sacrilegious to some; nevertheless he took no notice, but persevered, and still perseveres. In this section there appeared numerous articles by him in reference to haunted localities, to cases of telepathy, telesthesia, psychic photography, transposition of senses,

lucidity, premonitions, and retrocognition. Among them, the enquiry conducted by him on a "haunted" house in Turin deserves special mention.

* * * *

It only remains now to make allusion to the theoretical contribution made by Lombroso to the doctrine of supernormal psychology.

In the controversial arguments in which he engaged, he agrees for the most part with what other eminent men of science, such as Sir William Crookes, expressed on the subject; and, as always, his exposition was noticeable for the clearness of his concepts and the effectiveness of his analogies. In regard to this I may refer to some extracts from his writings, in which is shown, with great lucidity, his method of considering the phenomena of transmission of thought, of telepathy, of typtology as a basis of intelligent communications, and of mediumship for physical phenomena.

With regard to transmission of thought and telepathy in general, he writes as follows:

"If a volitional order is transmitted to a distance, if the will of another is obeyed in the suggestion, as though it proceeded from the subject himself, this proves that, far from being an immaterial phenomenon, it is a case of a material phenomenon, that is, of a manifestation of matter. . . . A harmonic string, stretched alongside another from which a sound is produced, begins to vibrate in its turn, when it is tuned in unison with the other; this is an analogy which has many times been repeated. What magic is there in this? But it may be objected: How can the vibrations and movements of the molecules of the brain traverse the solid barrier of the cranial bones? To this it need only be replied that bodies even more solid offer no resistance to the undulations of light, of magnetism, etc. Light, which is a form of molecular movement, passes through glass; a magnet covered with a bell of glass or of wood attracts a piece of iron placed outside. . . . The tremendous, although transitory, disequilibrium of sensibility in hysterical persons affords the special condition, which probably results in the momentary interruption of the conducting fibres, in consequence of the alteration of the axis-cylinder, found in them by Arndt, which permits the accumulation of nervous energy in certain points of the cortex, and its removal from other centres, and explains the origin of phenomena, just as the great frequency of transmission of thought in the dying (Myers) is explained by the intense state of suffering and by the great energy which the cortex appears to acquire in the death-struggle, perhaps on account of the ptomaines which accumulate in it."—Annales des Sciences Psychiques, 1904. pp. 274-5.

In regard to typtological phenomena as a basis of intelligent communication, he writes as follows in the Annales des Sciences Psychiques, 1892, p. 149:

"When the table gives a correct reply (for instance, when it states the age of a person, which is known only to the latter), when it

quotes a verse in a language unknown to the medium (an occurrence which greatly surprises the ignorant), this occurs because someone present knows that age, that name or that verse, and has his thought concentrated upon it during the seance, and he then transmits his thought to the medium, who expresses it by act, and also sometimes reflects it back upon one of the sitters. Just because thought is a motion it can not only be transmitted, but also reflected. . . . If, among those assembled around the mysterious table, no one knows Latin, the table does not speak in Latin."

In the following passage from the same article we see how he endeavored to explain the physical manifestations which he had witnessed when experimenting with the medium Eusapia:

"None of these facts (which, nevertheless, we are bound to admit, because it is not possible to deny what we have actually witnessed) are of a kind to oblige us to suppose, in order to explain them, the existence of conditions other than those recognized by neuro-pathologists. . . . I see nothing inadmissible in the fact that, with hysterical and hypnotic subjects, the excitation of certain centres, which become active in proportion as all other centres become paralyzed, may cause a transposition of psychical forces, and thus also bring about a transformation into luminous force or into motor force. It is thus conceivable how the force of a medium, which I may denominate as cortical or cerebral, might, for instance, raise a table or pull someone's beard, or strike or caress him, phenomena which frequently occur under these circumstances. . . .

"Under certain very rare conditions, the cerebral movement, which we call thought, can be transmitted to either a long or a short distance. Now, just as this force can be transmitted, so also can it become transformed, and psychical force can become motor force. . . . Do we not see a magnet move iron without any visible intermediary?"—Ibid., pp. 146, 147, 148.

* * * *

Such has been the work of Prof. Lombroso in the field of supernormal psychology.

What traces has he left in this field?

Although his experimental researches on the transmission of thought form an important contribution of facts and observations to these studies, yet it is our duty to recognize that they add little to what has already been accomplished by other eminent researchers, and especially by the members of the Society for Psychical Research, of London.

So also the material gathered by him for study of the phenomena of supernormal psychology in general, although precious as an individual contribution, adds nothing new to what has already been done in this respect by the said Society, to which, in addition to the credit of having collected an immense amount of material, belongs the merit of having co-ordinated it in masterly works of classification.

The true title of glory which belongs of right to Lombroso in this field, is indissolubly connected with that special branch of supernormal psychology which deals with the phenomena of objective mediumship. Before his authoritative voice was courageously raised to uphold the reality of these phenomena, not only did the representatives of official science disdain them, but the prejudices against them were such that even the very members of the Society for Psychical Research, London, unjustly despised and neglected them, confining their researches to the phenomena of mediumship of a purely intellectual order. It availed nothing that in the past a William Crookes, an Alfred R. Wallace, a Frederic Zollner had each in turn given proof of equal moral courage by bespeaking for them the attention they deserved. A most important field of research was left in the inexpert hands of the adepts of spiritism.

But perhaps the times were ripening when Lombroso took up the question. However that may be, it is a fact that, as a consequence of the great impression which was made everywhere in the scientific world by the courageous and noble act of the eminent anthropologist of Turin, it came about that a select band of men of science resolved to put aside preconceptions and listen to his words. And for the first time, among the ranks of the studious in this branch of science, there ran the joyful news that on this side of the Alps, as in France, Germany, England, Poland, even in distant Russia, some of the most noted men of science were preparing to make experimental researches into the rejected field of objective mediumship.

From that day, researches in this direction succeeded each other uninterruptedly, and are still being pursued, extended and popularized. If, therefore, new and interesting problems are about to enter the domain of psychological research, the merit must be ascribed to him who did not refrain from speaking when others in his place would have prudently kept silence, although he knew that by acting thus, he ran the risk of irreparably compromising his own reputation as a man of science and head of a school of thought, as well as his own professional interests. Never was resounding eulogy better deserved than that expressed by Alexander Aksakoff: "Glory to Lombroso for his noble words!"

THE CASE OF ALBERT T. PATRICK.

DID THE EMBALMING FLUID ENTER THE LUNGS OF RICE?

BY CLARK BELL, ESQ., LL. D., OF NEW YORK,
President of the Medico-Legal Society.

The fate of Patrick now may and seems almost to depend upon a correct answer to this question.

The Boston Medical and Surgical Journal, in its August 23rd number, made the following editorial comment on the subject:

"The case of Albert T. Patrick, charged with the murder of William M. Rice, continues to excite a great deal of interest in the minds of medical men, and a petition in reference to it, signed by a large number of physicians, not only in New York but throughout the state, is about to be sent to Governor Higgins. This petition states that the signers, having read the medical testimony presented on a motion to Recorder Goff for a new trial of the accused find, that the conclusions of the experts who testified on the motion are quite at variance, while the questions involved are novel, as well as grave and important to the members of society, and especially to the defendant, and therefore should be justly solved. To this end they request the Governor to appoint a commission, composed of disinterested experts selected from the medical profession, to examine impartially into the questions at issue, reporting their findings at as early a date as possible, and thus avoid the possibility of a mistake in the case of Patrick, as well as to secure a final and just solution of the problem.

It may, perhaps, be remembered that the death of Mr. Rice, who was eighty-four years of age, was attributed entirely to natural causes by Dr. Walker Curry, his physician, who examined the body half an hour after death and did not detect any odor of chloroform, although the deceased wore a beard. (Dr. Curry, since dead, was a highly esteemed regular practitioner of the city, and had attended the patient consecutively for eight months). Within two hours after death the body of Mr. Rice was embalmed with "Falcon embalming fluid," which contains formaldehyde gas in solution, and in connection with this process no blood whatever was withdrawn. The autopsy, performed by Dr. E. J. Donlin, coroner's physician, was not made until forty-one hours later. The autopsy record of the examination of the lungs was as follows: "Left lung congested and edematous. Right lung same and a small area of consolidated lung tissue about the size of a 25-cent piece in lower lobe." The lungs were not preserved for more minute examination, as were some of the other organs, but were cremated with the great mass of the body.

At Patrick's trial the contention of the prosecution was, that the death resulted from the administration of chloroform, and this was based largely on the condition of the lungs noted at the autopsy. The essential propositions over which the conflict of medical testimony occurred were as follows: (1) That active congestion of the lungs co-extensive with the lungs can be caused by the inhalation of an irritant gas or vapor, and by nothing else. (2) That the vapor of chloroform is one capable of causing such active co-extensive congestion. (3) That in death by chloroform the lungs are "invariably congested, and that with a congestion co-extensive with the lungs themselves." (Elsewhere particular stress is laid upon the fact that the congestion is active). (4) That, notwithstanding the intensely irritant character of the fumes of chloroform, as asserted above, a cone made with a towel in which was inserted a sponge, upon which about two ounces of chloroform had been poured could be placed on a sleeping man's face without awakening him, and could be left there unsupported for over half an hour without exciting sufficient spasmodic irritation of the glottis to dislodge it; so that at the end of

that time the cone was found where it was originally placed, the subject having neither awakened nor moved, although during that period of half an hour the chloroform was exerting its alleged irritant action so powerfully as to cause "active congestion of the lungs co-extensive with the lungs themselves." The jury, without considering at all the question whether the apparent pulmonary congestion noted might not have been caused by the embalming fluid employed shortly after death, rendered a verdict of guilty.

As to how far the chloroform inhalation acts as an irritant to the respiratory passages, it may be stated that out of 310 recorded autopsies in cases of death from chloroform, congestion of the lungs was mentioned as being present in but 69 instances, while in 41 of those the congestion was distinctly stated to be passive. In 25 other cases it is shown to have been passive, either by direct statement of the character of the blood or by the general association of the pulmonary congestion with venous congestion of other organs. In three cases only was the congestion stated to be active, and in two of these there had been pre-existing bronchitis, while in the third the congestion is definitely described as partial. In connection with the 588 experiments on animals made by the Hyderabad Commission 42 autopsies were held. Of these, the lungs were recorded as normal in 20; healthy in 5; nothing is stated about them in 15; in one they are described as "dry, not crepitant," and in one as "engorged," though in this last the character of the blood is stated to have been venous. Ever since Patrick's trial, however, there has existed in the public mind a very considerable amount of doubt as to whether chloroform was actually administred to the deceased at all. This is owing to the very unreliable character of Jones, the valet of Mr. Rice, who, after previously making two or three totally different and contradictory statements, turned State's evidence and testified at the trial that he did the chloroforming for Patrick in the manner described above. One of Jone's statements in the witness box was to the effect that the application of a lighted match to the towel containing about two ounces of chloroform was followed by a "burning up quickly, like oil." The absurdity of this was afterwards shown by a committee of the Medico-Legal Society

(mention of which is made below) whose members found by experiment that it required over fifty minutes to consume a towel thus saturated.

When the motion for a new trial (which was later decided adversely by the Court) was argued before Recorder Goff, who was the judge, before whom Patrick was tried and convicted, the principal point raised was as to whether such a solution as the "Falcon" embalming fluid, employed shortly after death and in the manner used by the professional embalmer in the Rice case, is capable of producing congestion, or apparent congestion, of the lungs in the cadaver. A certain number of medical experts employed by the prosecution testified (backing up their assertions by reports of actual experiments made by them) that such a thing is impossible, and a certain number of other experts employed by the prosecution, also backing up their assertions by the reports of experiments, testified to the opposite. In this connection it is interesting to note that in view of the special interest of the case the Medico-Legal Society some time ago appointed a select committee of experts to make a thorough investigation and give an opinion upon the medico-legal points involved in it. One of the questions put to the committee was as to whether the embalming of a human body by the arterial process with the "Falcon" solution, two hours after death and before rigor mortis had set in, as described by the witness in this case, would produce congestion of the lungs. The answer to this in the report of the committee, which presented the conclusions reached after much research, as well as a careful reading of the mass of evidence given at the trial, was as follows: "The embalming fluid could not produce a congestion of the lungs, or any part of the body, because a true congestion is a condition found only as a result of disease or injury occurring in a living person. But the condition found, after embalming, to the ordinary observer or to the naked eye, is so like a true congestion that a microscopical or bacteriological examination would be required to distinguish between them. Therefore, the answer to this question would be 'Yes.'" One of the members of this committee, it is worthy of mention, was Howard S. Eckels, of Philadelphia, who during the years 1895 and 1896 studied anatomy with special reference to the circulation of the blood and the art

and science of embalming, and who for the last ten years has been a practical embalmer and well-known instructor in embalming.

The execution of Patrick has been stayed by an appeal which is now pending before the United States Supreme Court, but, unfortunately, the medical aspects of the case cannot be reviewed by this Court, as they do not form part of the original record, since the questions have been raised since the jury trial. The Govenor of New York, however, has, under the law, the power to appoint a medical commission to investigate these questions thoroughly and in an impartial and unbiased manner. Hence this petition from the medical profession, the members of which feel that this is a matter of the utmost importance, and one that closely concerns themselves, since the life of any one of them might perhaps one day be placed in jeopardy if the points involved in this case should not be definitely settled. When such a direct conflict of evidence can occur in matters in which it is clear that one set of experts go directly contrary to the general experience of the profession on points which have been observed and are matters of record, it would seem to be essential that the most careful and unbiased investigation and experiment should be made to determine the truth where human life hangs on the testimony of conflicting experts, who, in their evidence on the question of a new trial in this case, flatly contradict one another, upon points in regard to which, there is no previous experience to act either as a guide or as a check."

It is doubtful if the Governor of New York will seriously consider such a petition, if it is ever presented to him, for various reasons:

1. It does not emanate from any medical source, is not the work of, or under the auspices even, of any organization of medical men, or from any medical source.

2. The letter accompanying the petition, which was sent to the medical profession, did not pretend, or claim that it originated with medical men, but was signed by a young lawyer from Texas, who is a clerk in a prominent lawyer's office in New York, who is in no way connected with the Patrick case.

3. While the Governor has the undoubted power and right to name a commission for any purpose, the object of which would be to aid the Executive in the proper exercise of the pardoning power, the time is not opportune for naming such a commission now, pending the application made by Senator Lindsley as Attorney and Counsel for Mr. Patrick on the stay granted by Mr. Justice Day.

Nor would the time ever come probably when Governor Higgins would name a Committee of Physicians to investigate the case for many reasons:

a. The question which is now at issue and upon which the fate of Patrick depends, is not a medical question at all; and it is now shown to be one which as Coroner's Physician Albert T. Weston has shown conclusively in a recent number of "Sunnyside," is one, about which Physicians have neither practical knowledge nor experience, and concerning which their opinion would be of no value.

b. The conviction of Patrick, was based on the assumption by the State, that the embalming fluid with which Rice's body was embalmed by the arterial process, through the right brachial artery, did not enter the lungs, and the positive evidence of Dr. Loomis and others offered by the State, that it did not and he believed that it could not enter the lungs. This view was supported by medical witnesses of prominence on the trial, and was not disputed by any medical evidence of note by the defense.

c. The Recorder who tried the case, the Jury who decided the case, the majority of the Judges of the Court of Appeals, whose decision denied the motion for a new trial and affirmed the verdict of the Jury, all believed from the evidence, that the embalming fluid did not and could not enter the lungs of Rice.

d. Although the lungs of Rice were carefully and critically examined and excised by the Coroner's Physicians Donlin and Williams who made the autopsy as sworn officers of the law, with the aid of Prof. Witthaus, a most competent chemist, when it was the sworn duty of all three of these to have refused the permit for the cremation of the body, to which the lungs had been restored, by these three sworn officials, if they had the slightest reason to even suspect that the death was due to other than natural causes.

In the recent motion made before Recorder Goff the State recognizing that the issue was now narrowed down to this single question, put in evidence the sworn affidavits of an eminent Pathologist and medical witness of high character, who fully sustained the witnesses' opinions who testified on the trial that the embalming fluid did not and could not enter the lungs of Rice, which if the conflict was to be decided by medical men would present a stronger case of conflict of the opinions of medical men than has been recently seen in any important case.

If it was true that the issues rested on the opinion of medical experts, on this crucial question, the Governor would be too wise to name medical men to decide it, lest the conflict of opinions be transferred from the medical expert witnesses to a medical commission.

It fortunately is quite beyond the opinion of any medical expert.

Prof. A. P. Grinnell, the Chairman of the Committee of the Medico-Legal Society, is quite competent with the eminent medical men on that Committee to pass upon the question which was, "was the death of Rice due to natural causes," as was certified to by his attending physician, and this backed by the official sworn permit of the Coroner's Physician under our most stringent law, permitting the body to be cremated, without which it could not have been done, and after an official autopsy, by men of the highest skill in the City of New York.

e. It has been demonstrated since the trial and since the decision of the Court of Appeals that as a matter of fact, within the personal knowledge of every embalmer who is at all familiar with the business, that in the embalming of a human body by the arterial process, by the right brachial artery as Rice's body is proven to have been embalmed by the skilled embalmers who did embalm that body; the emblaming fluid does always and must as a matter of fact enter and permeate the lungs.

Such a demonstration was actually made on August 9th, 1906, at the recent meeting of embalmers in the City of New York on a body embalmed by Prof. Charles A. Genug, of Waterloo, N. Y., before a large audience of embalmers

and the entrance and diffusion of the embalming fluid through the lungs shown to a large audience of practical embalmers.

f. It has passed out of the realm of any question of the difference of opinion of medical experts. It is a question now of an actual fact. It is a question with which every embalmer is familiar, and in daily and constant practical contact. It is not a question concerning which physicians have any knowledge or experience, and of which Physicians are competent to form an opinion, based on either knowledge or experience, or observation.

So that it may be fairly assumed, that the Governor of this State having ordinary intelligence, will not consider seriously such an application, emanating from an obscure and wholly unauthorized source, and on its face purporting to come from a single individual, and he not a medical man, pending the application now made under Judge Day's stay, and before its hearing and determination.

Again, it should not be lost sight of that the application for the pardon of Patrick, based on a petition signed by over 1000 names obtained in less than three days by the Medico-Legal Society, was then before the Governor, founded on the Report of a Select Committee named by the President of the Society, of wholly disinterested Medico-Legal Jurists and experts, an embalmer and chemists, who had carefully read all the medical evidence in the case, which Committee found and unanimously reported, that the death of Rice was due to natural causes and not to chloroform, and that the evidence of Jones, as to the manner in which he testified that he killed Rice, was impossible, incredible and entitled to not the slightest weight or consideration.

If the application of Senator Lindsley in the Patrick case is unsuccessful, the appeal for the pardon of Patrick, now pending before Governor Higgins, on which action has been suspended for the time being, will then come before the Governor for consideration. The Report of this Select Committee, will then reach the Governor in due course, besides which at the June Meeting of the Medico-Legal Society a Select Committee under the Chairmanship of Prof. H. S.

Eckels, of Philadelphia, the leading authority on embalming in this country, with members of that body selected from its members, chemists, jurists and practical embalmers, will pass on the crucial question, which is now one of fact and demonstration, and in no wise resting on expert or opinion evidence of Physicians. This report will doubtless then have placed the innocence of Patrick in so clear and brilliant a light, that of demonstration, as to be beyond the reach of doubt or controversy of any kind, or the certain conflict of medical opinion.

PSYCHICAL vs. PHYSICAL.

BY STANLEY LEFEVRE KREBS, A. M., CHICAGO, ILL.

The world within is as real as the world without. Mind is under law the same as matter. Commos is here; chaos has gone.

We do not know all the laws of matter; nor all of mind. The new thought of the day studies the latter, and tries to apply and practice what it finds. We need to place the emphasis here; and not on matter. It has been placed there long enough.

Matter can never demonstrate mind; but mind has all along been demonstrating matter.

Now it will demonstrate itself.

It has demonstrated newly discovered faculties that existed from old. Trance, telepathy, clairvoyance, mental healing, etc., have passed the tentative stage. But, we cannot demonstrate them by matter-proofs. Remember, matter cannot demonstrate mind. Take telepathy, for instance, which is one mind sending its thoughts or feelings to another mind otherwise than through the known and usual channels of the senses. Telepathy is of consciousness, by consciousness and for consciousness. We cannot produce telepathy.

BY MACHINERY!

For this very reason the students and professors of the physical sciences do not believe that there is such an action in Nature or in human nature as telepathy.

This skepticism on their part is perfectly natural and right. With it, per se, I have no fault to find whatever. I was skeptical myself, until I began to have experience and to make experiments and to take human testimony, in the light of which I soon found that my quondan skepticism no longer appeared respectable.

Telepathy and telaesthesia must be experienced. We cannot produce it by machinery.

We can, however, do a good deal these days in the investigation of mental states by appropriate and delicate apparatus. We have in the laboratory a machine which registers a qualitative analysis of emotive and mental conditions. We can detect the presence of emotions in consciousness by this machine. If you give us your thumb or finger, or, better still, your wrist, you then cannot hide your feeling from us, for you know the more you attempt to conceal an emotion the stronger it becomes in its subconscious or involntary physical reflexes, and the more accurately, do you reveal it. The machine registers this emotional disturbance by the pig bristle on a revolving kymograph concealed behind a screen. We can put an old maid in that machine and tell whether she is in love! That's a fact, not a joke. Given the lady-in-love, the plethysmograph will do the rest.

But we cannot produce the love by that machine, or by any other machine. A human being must furnish the emotion for any sphygmomanometer to detect or measure. Telepathy, like love, is psychical, and

MUST BE EXPERIENCED

to be known. So I say here with emphasis that it is simply ridiculous for physical science to demand or expect the telepathic current to be produced as is the invisible electric current, or steam, or magnetism, i. e. by machinery.

We are convinced that the world need never expect a mechanical demonstration of telepathy. In psychic science we must have nothing less than the highest known to experiment with, namely, human beings.

NOR WILL ANIMALS DO

in this research, as they will for some purposes in physiological psychology.

A prominent university professor had a large number of rabbits with which he was experimenting.

"What in the world are doing with all these rabbits?" I asked.

"Studying sociology and psychology," he replied.

"Pray explain," I exclaimed.

"Well, I simply watch their motions and actions and from them read their motives and emotions, and so am getting a rabbit psychology."

"But," I objected, "how can you be certain they feel the way you say they do. Are you not simply reading your own feelings into their motions, interpreting their actions from the human and not the animal standpoint? You cannot tell how a rabbit feels until you became a rabbit," I concluded with emphasis, a truth which I here and now emphatically reiterate. "But," Icontinued, "granted you do succeed in presenting the world with a genuine rabbit psychology, what good will it do the world?"

"Why, don't you see that?" asked the professor.

"No, I confess I do not."

"Well, replied the doctor, enthusiastically, "it will throw light upon the origin of man's mind."

"Frankly, professor," I replied, "even if you succeed in settling such a tremendous question as that, I for one am not deeply interested in that matter."

And I am not. I care not whether my mind came from "God" above me, or from "Nature" around me, or from the "Devil" beneath me. Of one thing I am now sure, namely, that the mind I have is the very best thing about me, given me more joy than anything else I posses. and I intend to strive by all the means within reach—by culture of all kinds, by training, by prayer, by faith, by charity, kindness, hope, or anything and everything that helps me—I intend to strive hard to prevent that mind from going down to the devil, or back to nature, but send it on up the shining pathway of probress and development toward God. In short, I am far more deeply interested in the destiny of the human mind that I am in its origin, more vitally concerned with its future than with its past. And for this tremendous reason I am so deeply interested in psychics, for it, more directly and vitally than all the other sciences combined, throws some light upon the future evolution and destiny of consciousness. The body of facts and experiments justifying this statement is too vast to even catalogue here. I pass on to the centre.

CONSCIOUSNESS IS THE CENTRE.

And, by this I mean the centre of everything, the centre of cosmos, the centre of the universe. Plant your feet

firmly on that proposition as on an immovable rock. This proposition is capable of in immediate and complete demonstration, and from four directions, which we will have time to give.

First—Imagine the consciousness which is yours this moment gone, blotted out, extinct; then, what becomes of the room where you are seated? Gone, too. What becomes of this city? Gone. What of the country? Gone. The world? Gone. God? Gone, so far as you are concerned. Therefore, consciousness is the centre of all, since all goes with consciousness.

Second—Can you conceive of such a thing as unconscious happiness? What kind of a thing would unconscious happiness be? On the other hand, can you imagine such a thing as unconscious misery? But when I name happiness and misery, I name the round sum total of all the possible experiences of angels, devils or men, and consciousness being the centre of each, must be the centre of all.

Third—Consciousness is the greatest and most valuable asset we now have. Instinct, profound instinct teaches us that. We will fight like demons and kill other human beings to preserve our own consciousness intact. This deep, universal and fundamental instinct of self-preservation is trustworthy and profound in its import and teleology, and we should give full and unstinted significance thereto. I take off my hat to universal instincts. Everything in life is arranged around consciousness. Therefore, it is the centre of all.

Fourth—If the universe is endless, infinite, it has no mathematical centre. You are as near the centre now as you ever will be. That is, you are at the centre where you are now, and by consciousness only do you localize yourself and tell where you are. You are the centre.

When Phillips Brooks returned from his first trip abroad he was asked of his impressions. "Oh," he exclaimed, "America is the centre of the world; Boston is the centre of America; my church is the centre of Boston, and I am the centre of it!"

Every self-conscious being, each one of us, may say the same thing of the over-towering totality of the universe—inorganic, organic, conscious—"I am the centre of it."

And telepathy, as aforesaid, is a faculty, a mode of action, of this moni-centric affair. Consciousness. Hence, if you wish to demonstrate telepathy you must get a machine somewhere which manifests this central thing in the highest degree possible.

I repeat, therefore, and conclude, as the final answer to the objections or sneers of physical science at psychics or new thought work, with this statement, that machines and animals will not do in psychical research. Telepathy is of, for and by consciousness. The man who deals in his researches with matter in all its phases and never watches consciousness in all its phases, will never find telepathy or discover clairvoyance, or demonstrate any of the many exceptional and extraordinary activities and phases of the wondrous world within. "He that seeketh shall find," and if he seeks for telepathy he must seek for it where it hides, namely, in mind, and not in matter; for mind contains the wonders that are to be. To this search the practical and experimental psychologists are devoting themselves in freedom, love and enthusiasm.

Chigaco, Ill., Sept. 22, 1906.

EMBALMING.

BY THE ARTERIAL PROCESS BY THE RIGHT BRACHIAL ARTERY—DOES THE EMBALMING FLUID ENTER THE LUNGS?

BY CLARK BELL, ESQ., LL. D.,
President of the Medico-Legal Society.

The attention of Prof. H. S. Eckels was called by the President of Medico-Legal Society to the affidavit of Dr. R. Coleman Kemp, used in behalf of the District Attorney in the proceedings before Recorder Goff, for a new trial on newly discovered evidence, in which Dr. Kemp gives his opinion as a medical witness upon the precise question involved in this article, and concerning which Dr. Albert T. Weston and Prof. H. S. Eckels have made affidavits, and which Prof. Eckels was desired to refer to in his reply to my inquiry, in connection with the demonstration of August 9th, 1906. I asked Prof. Eckels to give his brief views on the same. He replies as follows:

I have carefully read the affidavit of Dr. R. Coleman Kemp, used in the proceedings in the case of The People of the State New York, Albert T. Patrick against the County of New York, State of New York, on the 12th day of May, 1906. In that statement he makes no contradiction as to any of the testimony which was offered by the Committee of the Medico-Legal Society as contained in my affidavit, nor does he give testimony upon the natural circulation of the blood from the capillaries, through the veins, and through the right side of the heart, as it occurs when embalming fluid is injected into the right brachial artery. He adroitly evades and leaves the question, by discussing the circulation of the left side of the heart, which is the arterial side of the heart, instead of the right side of the heart, which is the venous side, and which carries the venous blood from the veins to the lung tissue by its natural and normal current. Note this he states: "I have carefully read the affidavit of Albert T. Weston found on page 16, et. seq., all of the printed papers herein. In regards to matters contained in said affidavit (fols. 49, 50, 51) beginning 'with the manner in which embalming fluid injected into the right brachial artery reaches the lungs is as follows,' and ending with the words 'through the left side of the heart and pulmonary

veins' deponent says that in his opinion, as a physician, he is of the opinion that by injecting a quantity of embalming fluid into the right brachial artery under a pressure not exceeding ten pounds to the square inch (which condition never does exist by the undertaker in his arterial injections) a quantity of fluid not exceeding two quarts, it would not be possible for such embalming fluid to reach the lungs through the bronchial arteries in considerable quantity. Secondly, that under the same conditions it would not be possible for the embalming fluid to reach the lungs in a lesser quantity through the coronary arteries of the heart, and that under the same conditions it would not be possible for the embalming fluid to reach the lungs through the left side of the heart, and the pulmonary veins where the valves of the left side of the heart were nomal." From the three ways enumerated here by Dr. Kemp, first, he says the fluid could not reach there in any considerable quantity. This is a question depending solely upon what the considerable quantity would be in proportion to the amount of fluid that would be injected into the brachial artery. Let me say here that it would be entirely natural for enough embalming fluid to pass through this arterial circulation so that the quantity that would reach the lung tissue would be in exact proportion to the quantity of fluid that would reach every other tissue of the body by arterial injection, because the lung tissues are preserved, to the same degree, as are the other tissues of the body by the arterial injection performed on the body.

Secondly, regarding the circulation of the fluid through the left side of the heart, or through the coronary arteries, this is of such small importance that it is and must be apparent, that its only use is to side track the thought from the natural conditions of the normal current of fluid as it occurs by the arterial injection of fluid into the brachial artery through the arteries and capillaries and veins of the systemic circulation, forcing the blood into the right side of the heart, through the pulmonary artery which in life carries all of the blood which collects into the right side of the heart, to the lungs for purification and empties it into the right side of the heart; therefore this pulmonary artery conveying in its normal way a quantity of blood equal to all of the blood in the body in the space of a minute's time, would convey by the injection of a half gallon of embalming fluid into the arterial system, a sufficient quantity of blood, and finally blood and fluid, to expand the tissues of the lungs and produce a congestion and oedematious condition of the lungs. For the sake of contrast, let me explain further that the coronary arteries are small arteries, perhaps cerrying not more than one-fiftieth of the part of the blood; that the pulmonary arteries carry during the same time, and that instead of carrying all of the blood of the human body as the pulmonary artery does, the coronary artery carries only a sufficient quantity to supply the tissues of the heart itself and is not a direct current of curculation of the venous blood from the right side of the heart through the lungs for its purification; and therefore, I would deduct these conclusions, that the experiments that Dr. R. Coleman Kemp made, were not without prejudice, else his experiments would have led him, as his sight would surely direct, to the conditions produced and the results obtained from the circulation through the larger blood vessels by the normal currents, rather than to the smaller arteries at the greatest distance and the remotest chance of circulation thereby."

It is quite clear from an inspection of the affidavit of Dr. R. Coleman Kemp, of the affidavit of Dr. Williams and of the evidence of Drs. Loomis and Williams on the trial,

and the affidavits of Dr. Williams and Dr. Weston used before Recorder Goff, which will be found in our columns, and especially from the statements made by Dr. Albert T. Weston in his report published in Sunnyside; that neither Loomis, Williams or Kemp have had any experience or knowledge concerning the subject on which they were called upon to express an opinion. It is quite safe to say that neither of them ever saw a body embalmed as Rice's body was shown to have been embalmed, and there is not a scintilla of evidence that either of them or any of the medical expert witnesses who were called ever had embalmed a body by the arterial process, by the right brachial artery.

It is a wonderful thing for any of us to consider how three men in this day and age of the world, were allowed to give their opinion as to a pure question of fact within the common and universal knowledge of every practical embalmer, and about which one of these witnesses, so sworn by the Public Prosecutor, had not the slightest practical knowledge, or the slightest actual experience, and this, when the life of a human being was pending in the balance. It becomes a very serious question, where the opinions of these medical men were not seriously controverted or even disputed by the Counsel for the defense, and where the Judge who tried it, and the jury who decided it, all believed that the facts in the case, would corroborate these medical opinions, which are now demonstrated to be contrary to the actual facts of the case not only; but absolutely at variance with the universal consensus of opinion of every practical embalmer in the land.

It becomes almost a tragedy, when this fact and the recent demonstration as to the actual facts, could not be brought to the attention of the Court of Appeals; were not and could not be considered by that Tribunal; cannot come before the Federal Court in the pending application; and that the only remedy lies in an appeal to the Executive of the State to prevent the judicial killing of a man shown by the unerring light of scientific demonstration to be innocent of the crime for which he has been convicted and sentenced to death.

The questions, referred to in Prof. H. S. Eckels' Statements, in which the views of Deputy Coroner Albert T.

Weston, with a very long and extensive experience in that office, as full of interest.

I quote from his carefully prepared remarks, made before the New York State Undertakers' Association, at Schenectady, on June 21, 1906, as published in "The Sunnyside" of August 15, 1906:

Dr. Weston said in part:

It appears that, with regard to the subject of embalming, the medical profession, although it ought to be familiar with the subject, really knows very little about it. There is very little in the literature of the profession upon the subject, and that of a general nature, as it is taken as a matter of course that after the undertaker is through with the body it is "embalmed." This was shown four years ago in the case of a murder trial which was then occupying public attention (as it has continued to do since in New York City,) in which two physicians having performed an autopsy, testified, in substance, that the embalming fluid did not have any effect and could not have upon the determination of the cause of death, even where death was due to the inhalation of such volatile and transitory vapor as the vapor of chloroform. Two physicians also testified, as experts, that it was impossible for the embalming fluid to reach the lungs.

The matter was brought to my attention about a year ago, and I was compelled to confess that my knowledge of the subject was very limited; I simply said, when I was compelled by counsel, that, of course, by the use of emblaming fluid the lungs were "embalmed," and that was about as far as I could go. I recognized, as I have said, that the profession was practically in ignorance upon the subject, and, therefore, not wishing to be placed in the position in which these other professional gentlemen had been, I proceeded to demonstrate, for my own satisfaction, the exact course of embalming fluid.

Now, the title of this address should be, more properly, "Embalming, from a Pathologist's Standpoint," as it was, as a pathologist, that the matter was brought before me.

These experiments were full and complete and consisted, first, in ordinary autopsies upon embalmed bodies, which are rare in practice, for the reason that the physician has to be consulted with regard to a certificate before the embalming takes place, and if an autopsy is contemplated, the embalming is, in almost every case, deferred until after the autopsy. I say that autopsies upon embalmed bodies in my experience (which covers quite a few years) have been rare. They are mostly cases in which something has come up after the physician's certificate has been issued and the permit granted by the Board of Health, as occurred in the case which gave rise to the trial and its consequent results.

We took this matter up, therefore, from a scientific standpoint, and our most important experiments were made with what I afterwards called the "open chest method." That is, preparatory to the process of embalming, by opening of the brachial artery, the chest cavity was opened and the different organs of the body exposed to view, while the embalming was being carried on. In that way we were able to demonstrate absolutely the course of the embalming fluid. It seems that after the fluid was injected into the brachial artery, nobody seemed to know its course.

Now, I will make a sketch of the circulatory system. (Dr. Weston makes sketch on blackboard.)

Now, after division of the arteries, the smaller divisions or smaller arteries being called arterioles, the blood passes into capillaries, so called because of the fineness of the vessels, being about 1-3000

of an inch in diameter, and about 1-25 of an inch in length, so that by the capillary system blood is supplied to every portion of the body.

In the capillaries surrounding the air cells of the lungs the meshes of the capillaries are larger than the tissues between them.

The blood, having started from the left ventricle of the heart, passes out through the aorta, the large arteries, the subdivision of the arteries and into the capillaries, passing through every tissue of the body, and it is there that it takes up the waste products of decay, passing through the capillaries, the small veins and afterwards to the larger veins, and finally to the vena cava, where it enters the right auricle of the heart. From the right auricle the blood now passes into the right venticle of the heart, and from the right ventricle of the heart through the pulmonary artery into the lungs, and there divides in the same manner as I said before, into the smaller cessels and the meshes of the capillary circulation of the lungs, and is there changed by contact with the air through the air cells. The condition of the blood is then changed from dark, venous blood to the bright arterial blood. The blood then goes to the pulmonary veins, then into the left auricle of the heart, and from there into the left ventricle, to be returned to the general or systemic circulation.

After death, of course, the blood is found only in certain portions of the body. It is found in the venous and capillary systems and in the internal organs. The larger vessels—the larger arteries—are practically empty after death.

With the process of arterial embalming, beginning at the point which is illustrated here (indicating), at the brachial artery, which is generally used, the fluid enters through the brachial, passes through the axillary and subclavian to the arch of the aorta, and at that point it meets the resistance of the aortic valve. In some of our experiments we found that the fluid was stopped by the aortic valve, and in others it was not. That depended on the condition of the valve—upon the elasticity of the valve and whether the valve was closed by clots of blood. In any event, the natural tendency of the fluid injected under pressure is to pass in the direction of least resistance, and that is through the arterial system, which after death is practically empty. In that way, under ordinary pressure, the fluid passes through every artery of the body and so on into the capillaries. The fluid passes into every capillary of the body and drives before it the blood into the venous system. This was clearly demonstrated by a number of different experiments with ordinary embalming fluid and with colored fluids and with a solution of gelatin. This solution of gelatin test was one in which I placed a great deal of reliance, as in the condition in which we used it—very hot—it found its way through the capillary system and into the venous system, and into the right side of the heart, showing conclusively the course taken by the fluid under pressure.

Another method of demonstration was with a fluid containing yellow coloring matter, and through the different tissues, as they were exposed to us, we could observe the course of the fluid by the deposit of the yellow pigment in the capillaries. Now, as to the result, the blood which is in the arterial system and in the capillary system is driven into the venous system and through to the right side of the heart. We met resistance here (indicating) at the aortic valve, but less resistance in the capillary system and the venous system and the right side of the heart, where the course of the fluid is now in the direct normal course of circulation, and passing without resistance through the right auricle into the right ventricle, and from there by way of the pulmonary artery into the lungs.

Of course, in these experiments, the abdominal organs were exposed to view. The abdominal organs, as you know, contain a large

proportion of the blood of the body. It is estimated that a normal liver contains one-fourth of the blood of the body, and probably one-half of the circulation is taken up by the abdominal organs. And at this examination we could see the gradual effect of the fluid upon the surface of the liver, and we could also see the effect upon the intestines, which was simply to drive out the blood and substitute the embalming fluid for the blood in the capillaries. You have injected a certain amount of fluid and driven it into the capillary system and driven the blood before it into the pulmonary circulation. So that, as the result of the injection of fluid, you have simply driven the blood out of the circulatory system—out of the systemic system—and into the pulmonary circulation.

The results of these experiments that should be of most interst to the gentlemen of your profession would be the actual demonstration of the fact that embalming fluid injected into the arterial system reaches every part of the body.

I do not feel called upon to say anything with regard to the methods of embalming further than that the demonstration fully convinced me that if a sufficient quantity of fluid was used, it would drive out of the circulatory system the entire quantity of blood which had not become coagulated. Ordinary embalming, as it generally takes place, is performed soon after death and before soagulation occurs. Of course, if coses are delayed for twelve or fourteen hours, probably the coagulation of the blood would take place in the larger vessels and in the capillaries.

Coming back to the title, it seems to me that the pathologists ought to come to the undertakers to learn rather than that the undertaker should go to the pathologists. In this particular case, while discussing it and seeking information as to the effect of the embalming fluid, every undertaker told us: "Why, of course, the embalming fluid reaches the lungs." They didn't know how it got there, but they knew that the lungs were embalmed. And it was for the purpose of demonstrating absolutely beyond question this fact that the experiments were made. And the evidence to my mind, and the others who saw it, was absolutely convincing, because we could see the distention, and with every impulse of the pump we could feel the lax walls of the heart and the arteries distend, and after a short time, after a certain amount of the fluid had been injected, we could then see the distention of the right side of the heart, and with the distention of the right side of the heart came the distention of the pulmonary arteries, which was followed by distention and a changed condition and appearance of the lungs.

It would seem from this, that the matter is a very simple one, and that the facts ought to have been well known, but when I came to look for the authorities on the subject, I didn't find anything which was of value, and it was for that reason that I thought that the result of these actual demonstrations would be of interest to your profession.

Some members of my own profession appear to be still blind to the results shown, and have even gone so far, after these, and similar experiments, as to deny absolutely, under oath, that it is possible for embalming fluid to reach the lungs. I suppose they have their reasons for doing so; it is not for us to question, but to leave them to answer to their conscience and their God.

The affidavit of Dr. Albert T. Weston, referred to and used before Recorder Goff on the motion for a new trial, was as follows:

AFFIDAVIT OF DR. ALBERT T. WESTON.

The People of the State of New York
against
Albert T. Patrick.

State of New York,
City of New York,
County of New York, } ss.

Albert T. Weston, being duly sworn, deposes and says that he is a physician and surgeon, having been graduated and received his degree from the New York University Medical College in the year 1882, and has since been practicing his profession in the City of New York.

That he is now and has been since the year 1889 one of the Coroner's physicians in the City of New York, Borough of Manhattan. That he has frequently testified as an expert on the trial of criminal cases in the County of New York. Deponent has performed upwards of 2,500 autopsies in his capacity as Coroner's physician.

He has made a number of autopsies upon bodies which have been embalmed and he is familiar with the conditions which are thereby produced. He is familiar with the method of administering "Falcon" solution used by embalmers, as well as with the process of arterial embalming, which it was testified to was used in this case.

That during the last several months deponent has made upwards of fifteen experiments on cadavers for the purpose of ascertaining the course which embalming fluid would follow through the body when injected into the right brachial artery. That from deponent's experience and as a result of the said experiments he is prepared to state and does state that the embalming can and does reach the lungs when such fluid is injected into the said right brachial artery in hte manner described by the witness, John S. Potter, in this case.

That the manner in which embalming fluid injected into the right brachial artery reaches the lungs is as follows:

(1). Through the aorta and arteries of the general systemic circulation, through the capillary system, through the general venous system to the right heart, through the right heart by the pulmonary artery into the lungs During the passage of the fluid through the capillaries and venous system it becomes mixed with and carries before it and with it more or less blood.

(2). Embalming fluid injected in the manner described reaches the lungs through the bronchial arteries in considerable quantities.

(3). It also reaches the lungs in a lesser quantity through the coronary arteries of the heart.

(4). Under certain conditions embalming fluid would reach the lung through the left side of the heart and the pulmonary veins.

Deponent has read the testimony of Dr. Williams and Dr. Donlin and Prof. Witthaus as to the conditions disclosed by the examination of the lungs of the deceased, William M. Rice, which examination was made at the Morgue in New York City on the 25th day of September, 1900.

Deponent at this point also desires to call attention to the fact that he lungs were the only vital organs which were not removed from the body and preserved for chemical analysis and further examination.

That deponent has noted in the testimony of certain of those witnesses the statement that the conditions disclosed by the examination of the lungs could only have been produced by the adminlstration of a gaseous or vaporous irritant by inhalation. That de-

ponent disagrees with this conclusion and bases his opinion in disagreement upon his investigation and experiments made as aforesaid during the last few months.

That these experiments made with the "Falcon" embalming fluid, as well as other fluids, produced in the lungs a condition of congestion and oedema not distinguishable upon examination from the condition of congestion and oedema described by the witnesses in this case.

In many of these instances he made experiments after he had first found that the conditions of congestion and oedema were not present in the lungs.

That deponent has also read the testimony of Dr. Loomis upon the trial of this action, reported at page 614 of the record, where he says: "Embalming fluid injected through the brachial artery could never reach the lungs. It might reach the heart but it could not go through the heart, I don't believe, but it might just reach the valves of the heart."

That deponent absolutely disagrees with this statement. That deponent believes that it was made by Dr. Loomis under a misapprehension of the question or without fully comprehending the effect of his answer. That in all deponent's experiments and in all his experience he has never found under similar conditions an instance where the embalming solution would not reach the lungs if used in the manner described by the embalmer in this case.

I depose to the foregoing statement of fact on my own personal knowledge and to the foregoing opinions from my own personal experiments and experience and I am willing to give evidence orally on these subjects and to swear to the above at a new trial of this case, if there be one, or upon the hearing of this motion, if required.

ALBERT T. WESTON.

Sworn to before me this 29th day of January, 1906.

H. M. SPENCE,
Notary Public, Kings County.

Certificate filed in New York County.

The affidavit of Howard S. Eckels, used before Mr. Recorder Goff on the motion for a new trial, was as follows:

AFFIDAVIT OF MR. HOWARD S. ECKELS.

The People of the State of New York
against
Albert T. Patrick.

County of New York, ss.:

Howard S. Eckels, being duly sworn deposes and says that he is by profession, and for the last ten years, has been a practical embalmer and instructor in embalming; that deponent during the years of 1895 and 1896 studied anatomy with special reference to the circulation of the blood, and the art and science of embalming, under Rufus B. Weaver, Professor of Anatomy at the Hahnemann Medical College of Philadelphia; that thereafter, and in the years 1897 and 1898, deponent gave a course of lectures and demonstrations in embalming at the Hahnemann College of Medicine, aforementioned; in the year 1898, deponent founded, and has since been head and principal instructor of the "Philadelphia Training School for Embalming," from which school upwards of a thousand students have graduated, coming not only from Philadelphia, but from all parts of the country for instruction in practical embalming; depo-

nent has further acted as lecturer and demonstrator before the various State embalming associations for the past six years, and also before the "National Funeral Directors' Association," a body which represents an affiliation of all the State associations; that concurrently with his work as instructor and demonstrator, deponent has for the past ten years pursued the vocation of practical embalmer, having embalmed several thousand human bodies; deponent further states that he has constantly practiced the arterial process of embalming, generally using the right brachial artery; deponent is familiar with the embalming fluid known as the "Falcon" embalming fluid, and has used it in the course of his practice, as well as similar embalming fluids; there have been submitted to deponent the following questions; they have been considered by deponent, and he answers the same as now appears, stating his reasons and grounds therefor:

(1) Question. Where a human body is embalmed by the arterial process, the right brachial artery being the artery selected, the solution known as the "Falcon" embalming fluid being used and injected about two hours after death, would the embalming fluid reach and affect the lungs, and if so, how?

Answer. Yes. The embalming fluid would reach the lungs, being injected in the brachial artery. Following the line of least resistance, yielding at the semi-lunar valve at the beginning of the aorta; the embalming fluid would circulate from thence through the artery and its branches and sub-branches, following the natural circulation that exists in the body previous to death, it would pass through from the branch arteries to the capillaries and from thence into the veins, being returned by them into the venae cavae. By the hydraulic pressure of injecting the fluid, during the course of embalming, would follow this blood circulation from the venae cavae into the right auricle of the heart and from thence through the trieuspid valve into the right ventricle of the heart and from thence through the semi-lunar valve in the pulmonary artery into, and to some extent through the vascular system of the lungs to the left auricle of the heart and from thence through the mitral valve into the left ventricle of the heart.

(2) Question. Where a human body is embalmed by the arterial process, the right brachial artery being the artery selected, and the solution known as the "Falcon" embalming fluid being used and injected about two hours after death, would a congested appearance of the lungs be caused by such embalming fluid, and if so, state the character and duration of such congestion?

Answer. Yes. A congested appearance of the lungs would be caused by such embalming fluid from its chemical action upon the tissue. Also the compact of the blood by the physical pressure of the fluid through the systemic arteries collects the blood from the capillaries into the veins, being carried ahead of and also with a portion of the embalming fluid in its natural course. The introduction into the lungs of this large quantity of blood, forced by the process of embalming fluid would cause a general congestion of the lungs, and the embalming fluid would intensify and heighten the appearance of this congestion covering every portion of the lungs, and with an intensity varying in different portions of the lungs, according to the quantity of blood in such portion and the action of the embalming fluid thereon.

(3) Question. Where a human body is embalmed by the arterial process, the right brachial artery being the artery selected, and the solution known as the "Falcon" embalming fluid, being injected about two hours after death, and where upon inspection at an autopsy, performed about forty-three hours after death, a physician at the autopsy finds embalming fluid present in all four cavities

of the heart mingled with and affecting the blood therein, would the presence of this embalming fluid in all four cavities of the heart, as stated, be proof that the embalming fluid reached the lungs, and if so, why?

Answer. Yes. The presence of the embalming fluid in all four cavities of the heart would be proof that the embalming fluid had reached the lungs, for the reason that the course of circulation is such that two of the four cavities of the heart, to wit, the left auricle and left ventricle, are reached from the lungs, and only after blood from the right auricle and right ventricle have passed into the lungs. In further answer to this question, deponent refers and makes part hereof, such portions of his answer to the first question, above given, as refers to the circulation of the blood. Deponent further annexes hereto, and makes part of this affidavit, as illustration of his answer to this question, pages taken from "Gray's Work on Anatomy," which is universally accepted as a standard work on this subject, showing the circulation of the blood, as stated.

(4) Question. There being submitted to you herewith the report signed by Dr. E. J. Donlin, Coroner's physician, of the autopsy performed on the body of William M. Rice on the 25th day of September, 1900, please state, after reading said report whether the same furnishes evidence to your mind that the embalming fluid had reached the lungs of William M. Rice, assuming further that the body had been embalmed by the arterial process, the right brachial artery being selected, the solution known as the "Falcon" embalming fluid being used and injected about two hours after death?

Answer. Having read the autopsy report of Dr. Donlin deponent answers yes to the question put. In addition to the congested condition of the lungs as stated in said report deponent in reaching the conclusion deems important as further confirmatory evidence that the embalming fluid reached the lungs, the fact that both lungs were found in an oedematous or watery condition, which condition may have been due to the embalming solution; furthermore the slightly contracted condition of the pulmonary and aortic orifices as noted in the autopsy report is a condition produced by the astringent chemicals of the embalming fluid. Each of these findings of the report is consistent with and tends to support the conclusion that there was embalming fluid in the lungs. While the findings with respect to the oedematous condition of the lungs and the contracted condition of the aortic orifices and pulmonary orifices, if separately taken would not compel the conclusion that the embalming fluid had reached the lungs, nevertheless, when as in the case opposed these conditions are found to exist concurrently and to exist conjointly with the congested condition of the lungs subsequent upon the injection of the embalming fluid by the arterial process as assumed in the question, to the mind of deponent evidence of the most convincing character is furnished, not only that the congested condition of the lungs could have been caused by the embalming fluid, but that it can properly be attributed only to such cause. In reaching this conclusion deponent has in mind and is influenced by the consideration that the oedematous condition of the lungs and the contracted condition of the aortic orifice could not have been caused by the inhalation of a gaseous irritant, such as chloroform.

Deponent further says that the matters stated by him in his answers to the foregoing questions are matters which have been observed by deponent in numerous cases, and that the opinion expressed by him are the result of such observation, and also of investigation and experiment with a view to ascertaining definite scientific information upon the subject-matters in question. Deponent further states that in answering the foregoing questions, as

above, as answered by him, he has stated not only his own personal views, but he has stated what he regards as, and believes to be, the accepted views and learning of his profession. Deponent further states that in or about the month of December, 1904, deponent received an invitation from the "Medico-Legal Society of New York" to act as one of the committee to investigate certain questions with respect to the action of embalming fluid upon the lungs, which questions arose in connection with the case of People of the State of New York against Albert T. Patrick. Deponent agreed to act as a member of said committee, and so acted and entered into the deliberations of the said committee, and the report which was thereafter adopted by the "Medico-Legal Society," is hereunto annexed and made part of this affidavit.*

Deponent further states that he is ready and willing in the event that a new trial shall be ordered herein, to attend such new trial in the State of New York, and to testify to the matters stated in this affidavit. Deponent has had no personal relationship or acquaintance with the defendant or any of his counsel, and had no familiarity with the facts of this case until the opinion of deponent was sought upon the hypothetical questions with respect to the medical facts of the case, as appears from this affidavit.

HOWARD S. ECKELS.

Sworn to before me this 8th day of September, 1905.

(Notary Seal) JOHN D. CARBERRY,
Notary Public, Kings Co., N. Y.

Certificate filed in New York County.

The affidavit of Prof. Dr. Robert Coleman Kemp, which was used by the District Attorney on the motion for a new trial made before Mr. Recorder Goff, was as follows:

AFFIDAVIT OF DR. R. COLEMAN KEMP.

The People of the State of New York
against
Albert T. Patrick.

County of New York, } ss.:
State of New York, }

Dr. Robert Coleman Kemp, being duly sworn, deposes and says:

I am forty-one years of age, I reside at No. 107 East 57th Street, and my occupation is that of a physician. I was a graduate of the College of Physician and Surgeons of Columbia University in the year 1889 and then entered upon the practice of my profession. Upon entering upon the practice of my profession, I became an interne at the Roosevelt Hospital in the City of New York, where I served for two years. After that I became Instructor in Surgery at the New York Polyclinic for about two years. I also served as an assistant in General Medicine at St. Bartholomew's Clinic for two years. At present I hold the following positions involving professional work: Junior Physician to the Roosevelt Hospital, Physician to the Red Cross Hospital, Visiting Physician to the West Side German Dispensary, Professor of Gastro-Intestional disease at the New York School of Clinical Medicine and Consulting Physician to the Manhattan State Hospital, Ward's Island. For the past six years I have been engaged very largely in original research within my professional field, and have written upon the subject.

*NOTE.—The report of the Select Committee of the Medico-Legal Society referred to has been published in June Journal, 1906, pages 3-5.

I was retained by the District Attorney of New York County in conjunction with other members of my profession, to advise him relative to some scientific questions involved in the affidavits filed upon this motion, and during the months of March, April and May of this year, in conjunction with Dr. Hamilton Williams, performed a number of experiments with a view of determining the effect of embalming fluid injected after death in a human body, especially with a view of determining the possibilities of embalming fluid reaching the lungs when injected and in the manner described by the testimony given on the trial of the action of the People of the State of New York against Albert T. Patrick. Not only were a number of experiments performed upon human bodies, but also experiments were made upon animals. I have also carefully examined the literature of medical science relative to the subjects mentioned in the affidavits filed herein of Albert Weston, George D. Stewart, George P. Biggs and Harlow Brooks. I have read the affidavits of Albert T. Weston, contained at pages 16, et seq., and 4 et seq. of the printed papers herein, and the affidavits of George D. Stewart, Harlow Brooks and George P. Biggs, contained respectively at pages 10 et seq., 7 et seq. and 4 et seq., of the printed papers filed by the defendant on his application. I have examined the record of the testimony given upon the trial of the above named defendant, so far as it relates to the condition prevailing at and the manner of the embalming of the body of William Marsh Rice, and in the experiments performed as above mentioned have conducted said experiments with a view of determining the effect on the lungs of a dead human being, of embalming in the manner and under the conditions which the evidence in said action disclosed the body of the said Rice to have been embalmed.

I have also heard the oral testimony given on this application by Albert T. Weston, George D. Stewart and Harlow Brookes. The experiments performed by me as above indicated were carefully performed, under a full realization of the great interests involved in this application and a distinct and conscious and careful effort was made to perform them under the conditions and limitations that would make the conclusions to be derived therefrom of positive and certain value. Full and accurate notes were kept of these experiments, said notes being made upon the day of each experiment.

I have carefully read the affidavit of Albert T. Weston found at page 16 et seq. of the printed papers herein. In regards to the matters contained in said affidavit (fols. 49, 50 and 51) beginning "With the manner in which embalming fluid injected into the right brachial artery reaches the lungs is as follows." and ending with the words "through the left side of the heart and pulmonary veins," deponent says that in his opinion as a physician, formed from his personal observation, his knowledge of the literature of his profession and upwards of some thirty-one or forty experiments made by him with a view of reaching a sound scientific judgment on this subject, he is of the opinion that by injecting a quantity of embalming fluid in the right brachial artery under a pressure not exceeding ten pounds to the square inch and a quantity of fluid not exceeding two quarts, it would not be possible for such embalming fluid to reach the lungs through bronchial arteries in considerable quantity. Secondly, that under the same conditions it would not be possible for the embalming fluid to reach the lungs in a "lesser quantity" through the coronary arteries of the heart, and that under the same conditions it would not be possible for the embalming fluid to reach the lungs through the left side of the heart and the pulmonary veins where the valves of the left side of the heart were normal. From experiments and his general knowledge of his profession and the literature thereof, deponent is of the

opinion that in the dead body of a human being the valves of whose heart at the time of death were normal, it would not be possible for the embalming fluid injected "under the condition above mentioned" to reach the lungs through the left side of the heart and pulmonary veins without the application of a pressure great enough to rupture the valves of the left side of the heart, and such pressure would have to be much greater than a pressure of ten pounds to the square inch at the brachial artery.

Deponent is familiar with the method employed in the embalming of the body of William Marsh Rice as disclosed by the testimony given on the trial of the above named defendant and has by experiment determined the pressure applied at the brachial artery in embalming in the manner indicated in said testimony. The instruments of the character used in embalming and of such character as in the testimony given upon the trial of this action or described to have been used in the embalming of the body of William Marsh Rice, employed a pressure from the hand of the operator varying from eight to ten pounds, and while this is the pressure from the hand of the operator, the actual pressure in using such an instrument in embalming as the brachial artery is only about two and one-half pounds, and said pressure diminishes with very considerable rapidity as one passes from the point of injection along the arterial system.

In the experiments which deponent made in embalming the bodies of human beings, he employed either the instrument used in the embalming of the body of William Marsh Rice or an exactly similar instrument. Deponent not only employed this same instrument, commonly known as an embalming syringe, in experiments made by him in embalming the dead bodies of human beings, but he also tested said instrument or embalming syringe in comparison with other embalming instruments or syringes of the same character so as to check and verify his observations in relation thereto.

In regard to the first statement in folio 50 in said Weston's affidavit, that embalming fluid injected into the right brachial artery reaches the lungs through the aorta and arteries of the general systemic circulation, and so on, deponent states that in his opinion unless the quantity of fluids injected into the right brachial artery exceeded two quarts, and unless the pressure used for injection, if the injection was made with an instrument or syringe such as was employed in embalming the body of William Marsh Rice, exceeded a pressure of ten pounds to the square inch, it would not be possible to force the embalming fluid through the systemic circulation into the lungs, nor would the use under such pressure of two quarts or less of embalming fluid sufficiently fill the arteries if injected into the right brachial artery, to drive before it mechanically blood into the lungs. Experiments made by deponent have in his opinion conclusively demonstrated that in no one of the four ways mentioned in said affidavit of Albert T. Weston would it be possible for embalming fluid to reach the lungs if said embalming fluid was injected in the manner and quantities and at the time relative to death, that the evidence in the case of the People against Albert T. Patrick showed to have been employed in the embalming of the body of William Marsh Rice.

Deponent, as the result of his experiments, of his general knowledge of his profession and of his study of the literature of his profession, is of the opinion that the said Albert T. Weston did not observe in the experiments mentioned by him in the affidavit above referred to, that embalming fluid injected into the right brachial artery of the body of a dead human being in the manner described by the witness John S. Potter upon the trial of this action, reached the lungs in any of the methods described by him in folios 50 or 51

of his affidavit, or that it reached the lungs at all or drove before it in a mechanical way into the lungs the blood in any such body.*

*Prof. Witthaus swore that the lungs were so full of Formaldehyde gas that he could not examine them.

Deponent has also carefully examined the affidavit of said Albert T. Weston contained at pages 40 et seq., of the printed papers herein and has carefully examined the literature of his profession upon the subject of rigor mortis, and assuming to be correct the statement of said Weston therein at folio 121 that John S. Potter when embalming the body of William Marsh Rice, as testified upon the trial of this action, found a condition in said body of complete rigor mortis, deponent is of the opinion that it did not necessarily follow from such fact, if it existed, that the said William Marsh Rice had been dead for at least four hours, and it is not the teachings of medical science that "such a condition of absolute rigidity could not have occurred unless life had departed for at least four hours."

Deponent has examined the authorities cited by the said Albert T. Weston in the last above named affidavit and in some of these citations from medical authorities made by him in said affidavit he has omitted the numerous and impotant exceptions to the rule given by such authority.

I have also read the affidavit of George D. Stewart contained at pages 10 et seq. of the printed papers herein, and what I have said with regard to the affidavit of Albert T. Weston, so far as it mentions the methods by which embalming fluids injected through the right brachial artery could reach the lungs, I do repeat here in regard to the similar statement contained in folios 31 and 32 of the affidavit of said George D. Stewart. In respect to the statement of the said Stewart found in folios 30 and 31 of his affidavit in reference to the testimony given by Dr. Loomis upon the trial of this action, to the effect, apparently, that said statement of Loomis' was absurd and that he, said Loomis, testified that embalming fluid injected in the right brachial artery could not pass into the lungs through and against the valves in the left side of the heart, I am of the opinion that Dr. Loomis' judgment was sound and free from any absurdity.

I have read the affidavit of Harlow Brooks found at pages 7 et seq. of the printed papers herein, and what I have said in regard to the affidavit of Albert T. Weston, so far as it mentions the methods by which embalming fluid injected through the right brachial artery could reach the lungs, I do repeat here in regard to the similar statement contained in folios 22 and 23 of the affidavit of said Harlow Brooks. As to the passage in the affidavit of said Brooks contained in folio 25 wherein he states "that the opinion expressed by Dr. Loomis upon the trial of the action herein is absolutely erroneous and out of accord with all anatomical facts" is incorrect. I am of the opinion expressed by Dr. Loomis and diametrically opposed to that expessed by said Brooks in regard thereto.

As to the allegations contained in the affidavit of said Brooks in words following, "And the result of such embalming would so alter the lung tissue asto prevent the detection of lesions characteristic of chloroform poisoning in so far as the lungs alone are concerned," I desire to say that this opinion appears to be based upon the assumption that the embalming fluid either itself reached the lungs or forced mechanically before it into the lungs a certain amount of blood, and as deponent is of the opinion that neither of these results could have occurred where the embalming was conducted under the conditions and in the manner in which the body of William Marsh Rice was embalmed, it is needless to comment upon the expressed opinion in this respect of said Brooks.

Deponent has carefully read the affidavit of George P. Biggs found at pages 4 et. seq. of the printed papers herein. He repeats here in regard to the allegations found in folio 15 of said affidavit what he has already deposed to in relation to the same matters in the affidavit of Albert T. Weston.

Deponent is of the opinion that embalming under the conditions described as practiced upon the body of William Marsh Rice would not produce any congestion or oedema of the lungs, either real or apparent, and deponent is of the opinion from his own observations that embalming fluid does produce a marked bleaching effect upon the lungs when it reaches the same through the circulatory system.

Deponent desires to call attention to the fact that in the various affidavits herein referred to there is no statement either of the quantity of fluid employed in embalming the bodies upon which experiments were made by the various affiants, nor any indication of the quantity used in the embalming process, nor any indication of the amount of pressure used in injection; neither is the size nor weight of the subjects experimented upon, described, nor is the cause of death stated, nor is there any specification or description of the condition of the valves of the left side of the heart in the subjects experimented upon, described, nor is the cause of death stated, nor is there any specifications or description of the condition of the valves of the left side of the heart in the subjects experimented upon. Neither is the chemical composition of the embalming fluid used, set forth nor the length of time stated between the embalming and the autopsy, nor the length of the time after death at which the embalming was performed.

Deponent is of the opinion that for all scientific purposes or as a means of forming a true and accurate judgment, the experiments in these affidavits referred to, unless performed under conditions in said affidavits in no way referred to or described, would be absolutely worthless. Deponent is of the opinion both from his own carefully performed experiments, from his general scientific knowledge of his profession and from the literature of his profession, that if the experiments referred to were performed under conditions at all nearly approximating the conditions under which the body of William Marsh Rice was embalmed as disclosed by the evidence on the trial of this action, that the affiants above named did not observe the facts stated by them.

ROBERT COLEMAN KEMP.

Sworn to before me this 12th day of May, 1906.

C. P. DILLON,
Commissioner of Deeds, New York City.

The affidavit of Dr. Hamilton Williams, used by the District Attorney on the motion before Mr. Recorder Goff, was as follows:

AFFIDAVIT OF DR. HAMILTON WILLIAMS.

The People of the State of New York
against
Albert T. Patrick.

State of New York, }
} ss.:
County of New York, }

Dr. Hamilton Williams being duly sworn, deposes and says:

I am fifty-six years of age; I reside at No. 216 West Fourteenth Street, Borough of Manhattan, City and State of New York, I am

a physician holding the diploma of the King and Queen's College of Physicians in Ireland, 1875. I have been in practice continuously since then to my retirement some three years ago. From the 1st of January, 1898 to the 1st of May, 1902, I served as Coroner's physician of this Borough.

The affidavits of Drs. Weston, Brooks, Biggs, Stewart and Wyeth have been carefully read by me and the evidence of the first four noted. In the interval between the submission of the affidavits of these gentlemen and their appearance in Court, I made eight experiments upon dead bodies (human) bearing upon the issues raised, absolutely un-influenced by earlier prepossessions. In the result I am conviced that through no process of embalming in which "Falcon" fluid is used, and in which the mode followed, as regards quantity and pressure, is that of the embalmer in the case of the body of William Marsh Rice, can congestion of the entire lung be produced or stimulated.

I am also convinced in detail,

(1) That under no conditions of pressure or quantity, can "Falcon" embalming fluid reach the lungs through the general circulation, injection being made into the brachial artery.

(2) That while "Falcon" fluid may and does reach the lung through the bronchial arteries that no general congestion and oedema of the lung may be so produced or simulated.

(3) That "Falcon" fluid cannot pass through the coronary arteries from the left side of the heart to the right as it must be reach the lung.

(4) The contention as to the possible backward flow through the pulmonary veins must not be held seriously by gentlemen of the character and scientific standing of the affiants.

To conclude, I am prepared to give testimony as above under oath.

(Signed) HAMILTON WILLIAMS, M. D.

Sworn to before me, this 15th day of May, 1906.

(Signed) C. T. DILLER,
Commissioner of Deeds, New York City.

Dr. Williams gave evidence on the trial.

Neither Prof. Williams nor Dr. Loomis made any affidavits used before Recorder Goff.

It is quite conclusive that the conflict of the evidence before Mr. Recorder Goff, of the Medical experts, was such that the Recorder was justified in refusing to pass upon its conflicting evidence.

THE PRESENT STATE OF THE QUESTION.

The successful embalming of the body of the dead was undergoing a silent but bloodless evolution, in its relation to the responsibility of the embalmer, in protecting the criminal, from detection and conviction, where death had resulted from the use of poison for criminal purposes.

The stand taken by the Medical-Legal Society, was the elimination of the use of those poisons like arsenic, strychnine and the whole body of agents heretofore used by criminals, in the embalming fluids, made use of by the profession of embalmers, in their great and useful work. This effort of the Medico-Legal Society was introduced by its President in his Inaugural Address in January last.

Prof. H. S. Eckels had made an elaborate presentation of the subject and his utterances had received the endorsement of the leading embalmers.

The subject was presented to the world of Science, at the International Congress of Criminal Anthropology, at Turin, in April, 1906, by the President of the Medico-Legal Society, stating the views of Professor Eckels and his colleagues.

The June Number of the Medico-Legal Society had published these papers, and the subject was carefully discussed at the June Meeting of the Society, and a Committee named, to whom the whole subject was referred, with instructions to report this coming fall, under the chairmanship of Prof. H. S. Eckels, named by the President of the Medico-Legal Society.

The case of Albert T. Patrick came into great prominence in the discussion, because it seemed to be almost Providential, that it should be the mission of the embalming profession, to demonstrate the innocence of this man convicted of a crime and sentenced to death, of which he was entirely innocent, the evidence of which resting on purely scientific lines, which had not come before the jury who tried and convicted him, and of which the District Attorney and the defendant's counsel, who tried the case, was totally ignorant.

Convicted on medical expert testimony, on a question relating to the detail of the process of embalming, concerning which none of the Medical witnesses had the slightest knowledge, and this, under conditions which had made it impossible for the Judicial Appellate Tribunal to even consider the question, none of the facts coming before the trial court, and the fate of a human life dependant on Executive clemency, where under the peculiar circumstances of the

case, the Governor could not consider it with propriety until all the legal proceedings had been completed, and where extension of time for execution, and the pending stay in the Federal Court had almost providentially enabled the profess of embalmers to make the innocence of Mr. Patrick as clear as the sunlight, so that the execution of the State could not be in either doubt or ignorance, of the propriety of a full pardon to the accused, as wholly innocent of the crime of which he had been convicted.

MEDICAL JURISPRUDENCE.

LEGAL MEDICINE OR FORENSIC MEDICINE.

BY CLARK BELL, ESQ., LL. D.,
President of the Medico-Legal Society, of New York.

I feel sure that the most careful and profound students of Medical Jurisprudence on the North American Continent will, at the close of the first decade of the present century, regard Dr. Theodric Romeyn Beck as the ablest and best elementary writer on Medical Jurisprudence of the century in which he lived.

He had the rare faculty of elucidating a subject so that it attracted the attention and aroused the interest of the student.

In my student life I read his work on Medical Jurisprudence with the same avidity and pleasure that I did a work of fiction.

It seems to me that as a law student I was profoundly impressed by him, and that it is due almost wholly to the charm of his manner and method of treatment that I acquired a taste for the science which gave an impetus to the studies of this science, to which so large a part of my professional life has been devoted.

His work was on the shelves of my library before I was admitted to the bar, and his personal influence upon me, in giving a strong inclination and preference to studies of the science, was very great indeed.

He wrote his first volume at Albany, in August, 1823, and I feel sure that the students of both Law and Medicine will thank me for publishing the Preface with which he presented his work to the public: He says:

"After many years of diligent investigation, I venture to offer the following work to the notice of the public. Whether its execution is adequate to the importance of its subject, must be decided by a candid and enlightened community.

At an early period of my medical life I became impressed with the necessity of greater attention to the science of Medical Jurisprudence than is usually devoted to it by physicians. The writings in the English language, on the subject, were at that time confined to a small duodecimo volume, together with some detached essays on particular points; and I soon ascertained that, in order to learn what had been accomplished in this branch of learning, I must resort to the study of continental outhors. But my inland situation, and the embarrassed state of the commerce of the country, seemed to present obstacles almost insurmountable to the acquisition of the systematic writers in question.

During the late war, however, a respected relative, (the Rev. Dr. Romeyn, of New York,) while abroad, procured, from different quarters, the principal French authors on Medical Jurisprudence, and, on his return, I had the pleasure of commencing its study with suitable materials.

Some years thereafter, my friend, Dr. John W. Francis, also visited Great Britain and France, and kindly undertook to procure for me whatever might come within his observation on the science.

My appointment in the Western Medical College rendered what had previously been a private study, a public duty; and I began to flatter myself that a publication on the subject might be found useful. The increasing attention to the science in Great Britain and this country, with the great facilities that of late years have offered themselves for obtaining scientific works from abroad, has encouraged me to prosecute my undertaking to its present termination.*

This brief sketch of the origin and progress of the present work will not, I hope, be deemed impertinent. At all events, I feel a pleasure in thus publicly acknowledging the aid I have received.

*I am under peculiar obligations to Mr. James Eastburn, of New York, for his attention in obtaining, from time to time, comparatively rare works from Germany and France.

I might add to the names already mentioned, a number of others, particularly in this city, that have allowed me free access to their libraries, or directed my researches to points with which I was least familiar. Were I to enumerate all of these, it might savour of ostentation, and I will content myself with returning them my sincere thanks for their liberality, and the kind encouragement with which they have frequently cheered me.

My medical friends in this city and in New York no less deserve my grateful acknowledgments; and I must not omit noticing the advantages derived from consulting many valuable works in the State Library, and the Libraries of the Society for the promotion of Useful Arts, and of the Western Medical College.

In concluding these prefatory remarks, I may be permitted to add, that although this work is designed primarily for the benefit of physicians, yet I trust it may occasionally be found useful to the gentlemen of the bar. It need hardly be suggested, that, in many instances, a legal decision depends on the testimony of medical witnesses; and it may not only prove a matter of satisfaction, but even a solid gain to the cause of justice, to be enabled to compare oral opinions with the prevailing doctrines of the profession. Of such importance is the subject of Medical Jurisprudence at present considered, that in the latest work that has been published in England on it, an eminent barrister has been associated with a no less eminent practitioner.*

Should the present treatise be so fortunate as to meet with the approbation of the public, I design, at no very distant period, to offer another on Medical Police. The materials for both have been in some degree simultaneously collceted.

Albany, August 30, 1823."

The physician and the lawyer to whom he alluded was the eminent physician and writer, J. A. Paris, M. D., F. R. S., and J. S. M. Fonblanque, Esq., Barrister-at-Law, both of London. Dr. John Ayrton Paris had written a work, entitled "Pais Pharmacologia, or the History of Medicinal

Substances, with a view to establishing the art of prescribing and of composing extemporaneous formula upon fixed and scientific principles," and an edition of this was published in New York in 1822, but the work had run in London to the fourth edition, to which Dr. Beck had access.

He later, in speaking of that work, had said:

"Medical Jurisprudence, by J. A. Paris, M. D., F. R. S., and J. S. M. Fonblanque, Esq., Barrister at Law, London, 1823." I received a copy of this work in the month of July, after about half of my own was printed, and all, but a few pages, was written. Having consulted the same authorities, it was to be expected that the leading outlines of the science would be similarly treated; and on minor points, I am happy to find, that in several instances I have arrived at the same results with Dr. Paris. What may be deemed his strictly original inquiries had already appeared in the Pharmacologia, and to this I have given due credit.

In writing on this subject, in using the terms I employ, I accept the language with which Prof. Beck commences the opening Introduction to his Treatise:

Medical Jurisprudence, Legal Medicine, or Forensic Medicine, as it is variously termed, is that science which applies the principles and practice of the different branches of medicine to the elucidation of doubtful questions in courts of justice. By some authors it is used in a more extensive sense, and also comprehends Medical Police, or those medical precepts which may prove useful to the legislature or the magistracy. I shall employ it at this time in its restricted sense.*

It will be noticed that Dr. Beck used the terms Forensic Medicine, Legal Medicine and Medical Jurisprudence interchageably, and as synomous.

A Second Edition of Beck's Medical Jurisprudence brought out in London, edited by Mr. Dunlop, which attracted so much attention, that in May, 1829, a third London Edition was published, edited by John Darnall, M. D.

The Third Edition was a republication of the First Edition with the notes reclaimed of its Editor in the first—and then the Appendix was added pages 589 to 610 both inclusive and an index to law cases.

A recent writer, who is eminent in Toxicology, has criticised this universal interchangeable use of the terms. In an introduction to a work, of which this eminent Toxicologist is a joint author with a lawyer of high standing

*If a general term be necessary to include both these sciences, I should prefer that used by the Germans, viz. State Medicine.

and position, has proposed a new definition to Medical Jurisprudence, viz.: Limiting it to a Science Treating of Medical Law only.

We give the Editor's Preface to the Second Edition, as a part of the history of the work:

"The reproach of deficiency in the science of Medical Evidence, which has so long been attached to English literature, has at last been removed; and we can now claim respectability, if not superiority, for our works on Medical Jurisprudence, and challenge a comparison with the best of those of the Continent. Dr. Male has the honor of having given the first impulse to the subject, by his small but excellent work; and the science, in a few years, has, like the mustard-seed in the Scripture parable, increased into a branching tree of great amplitude.

The work of Dr. Gordon Smith is original in its arrangement, and, so far as it goes, is distinguished, as Dr. Beck remarks, for the good sense of the author; but, without derogating from the merit of Dr. Smith, we may justly say that it is extremely deficient as a book of reference, and could not indeed have well been made so without being greatly enlarged beyond its present size. Dr. Smith, indeed, has evidently intended to make it an elementary treatise, rather than a work for practical consultation, as may be inferred both from the size and style of the work, and from the paucity of his references to original documents.—The large work on Medical Jurisprudence by Dr. Paris and Mr. Fonblanque is the next in order of time, and is much more copious in cases and illustrations than any previous English work on the science. The style is very labored, though the labor we conceive would have been much better bestowed on the logical arrangement and sequence of the facts. A reference to the section on Rape will explain our meaning, in which the text consists chiefly of law cases and discussions, while many of the medical parts of the subject, which undoubtedly ought to have occupied the most prominent place, are transferred in a very illogical manner to the notes,—for want of leisure, it might be, to dispose of them in their proper places in the text. Besides this defect in the work of Paris and Fonblanque, there are a great many useless and irrelevant de-

tails, which add to the bulk and price of the book, while they certainly detract from its merits.

We do not claim for the present work the meed of a faultless performance; but we fear not to cahllenge a comparison of it with any of the English works, in scientific accuracy, philosphical plainness and precision of style, extent of research, genuine scholarship and erudition, pointedness of illustration, and copiousness of detail and reference to original documents. We may say, with Dr. Andrew Duncan, jun., in his excellent review of the first edition, that "under the unassuming title of Medical Jurisprudence, Dr. Beck has presented us with a comprehensive system, which embraces almost every valuable fact or doctrine relating to it. Each of its diversified departments has been investigated so minutely, that few cases can occur in practice on which it will be necessary to seek elsewhere for further information."* Dr. Male also, the father of English Medical Jurisprudence, has the highest opinion of the book, and says, "Dr. Beck has recently published one of the best works on Juridical Medicine which has been compiled either in this or any other country." Supported by such unqualified opinions of its excellence, from two of the best judges of the subject in the empire, Dr. Duncan and Dr. Male, we submit it, with confident hopes of its success, to the practitioners and students of medicine and law.

Of the additional notes it does not become us to say much; indeed, Dr. Beck has left almost nothing for an Editor to add; and thereader must not, therefore, expect a volumnious commentary. The new cases, however, it may be stated, are chiefly original, and many of them fell under the Editor's immediate observation. Several of the Scots cases were taken by permission from the notes of the present Head of the Justiciary Court of Scotland. The most copious notes have been given where Dr. Beck, from a desire to condense, has been more brief than usual; more particularly in that part of the work which relates to external injuries.

A letter has just been received from Dr. Beck, referring to a few recent cases which he is desirous of having inserted in this Edition; but, as the last sheets were in the

*Review of Beck in the Edin. Med. and Surg. Journ. July, 1824.

press, this could not be done in the body of the work, and they have, therefore, been added in an Appendix, in accordance with his wish."

We give the short preface of the Editor of the Third Edition, Dr. John Darnell. These papers show the high estimation in which Dr. Male was held and Dr. Andrew Duncan, in London, by Dr. John Darnell.

In an introduction to a work, of which this eminent Toxicologist is a joint author with a lawyer of high standing and position and proposing a new definition "Forensic Medicine," as a branch of Medico-Legal Science, relating to the application of Medical, Surgical or obstetrical knowledge to the purposes of legal trials.

He eliminates also Toxicology, from Medical Jurisprudence and from Forensic Medicine. His language of exclusion is as follows:

"Toxicology, the Science of Poisons, may be divided into "Medical Toxicology," whose object is the prevention or cure of all forms of poisoning, and "Forensic Toxicology," whose aim is the detection of criminal poisoning.

In all cases other than those of poisoning, in which questions involving Medical knowledge arise, the answers are entirely within the functions of the physician, the surgeon, or the obstetrician, but the problems of forensic toxicology require further solution, the further aid of the chemist and the pharmacologist."

Writers may divide a subject like Medical Jurisprudence into as many branches as they please, but it has for centuries been the general term, which covers the whole science embracing all branches, all departments of Legal Medicine, Chemistry, Toxicology, Mental Medicine and all questions where the subject or questions involved in any way came before the courts for adequate adjudication.

The same is true of Forensic Medicine.

The learned Professor who seeks to make new departments and change difinitions of universal acceptance for centuries, has the right to claim the credit of the new inventive genius, he displays.

In a note he claims that this distinction is made, and cites Zachias of the Eighteenth Century; Paris and Fon-

blanque and LeGrand du Saulle, an alienist of high rank and this great Italian scholar, musician and statesman; diplomatist, physician and cardinal of Rome; was the most learned man of his day. His work in all the leading features, aside from the accepted superstitions of his era, is almost standard, and Dr. Beck says of him, "His treatise on Legal Medicine, although partaking of the superstitions of the age in which he lived, is still a most valuable record of facts and a permanent monument of the talents of the author."

His first volume treats of Age, Legitimacy, Pregnacy, Superfoetation and Moles; Death during delivery; and resemblance of children to their parents. His Second Book of Dementia and Poisoning; and a learned discussion of casuistical questions. His Third Book on Impotence; and Feigned Diseases; the Plague and Contagion. The Fifth Book on Fasting; Wounds; Mutillation; Salubriety of the air, &c.

The title of the work, "Quaestiones Medico-Legales," entirely negatives such a division or classification as is suggested.

I have read the work but recently, and can say that I found no distinction between Forensic Medicine and Medical Jurisprudence as professor Witthaus suggests. The title of his work "Pauli Zacchiae, Romani (totius Status Ecclesiastical protomedici generalis Questonum Medico-Legalium). Tomi Tres; olim aucti et emendati a viro celeberrimo Joh. Daniel Hostio; nunc illustrati, emendati, atque audacti a Georgio Franco (1688.)

All these subjects are treated by Zacchias, without such restriction. Prof. Witthaus also refers to Paris and Fonblanque and M. B. Valentini and Grand du Saulle, Geo. Beryer and Bab. Ponchet's treatise, Paris, 1886, who use as a title "Traite de Medecine-Legale; de Jurispdudence Medicale; et de Toxicolgie."

I have never seen in the writings of Paris and Fonblanque or the collaboration of LeGrand du Saulle and his colleagues any such discrimination made.

Chemistry is not often included as one of the Departments of Medical Jurisprudence in the titles of works, but I know of no writer who does not embrace chemistry as one of the branches of the Science of Medical Jurisprudence.

It is not uncommon for a chemist to stand high as a Medico-Legal student, and yet not be a Medical man at all and never practice medicine or have taken a degree in medicine at all. One of the ablest chemists and toxicologists of our day, the late President of the Board of Health is not a physician at all, and while many physicians have studied chemistry it is rare to find a physician who has attained high rank as a chemist or toxicologist.

The late Dr. Taylor, author of the "Treastise on Medical Jurisprudence," was at the same time an eminent physisian, as was also Dr. Beck.

Prof. R. Ogden Doremus had the degree of M. D., but did not practice medicine, devoting his life to the higher fields of Chemistry and Toxicology.

Perhaps the greatest of the early collabrators of the 18th century was Dr. Joan Christ Trangatt Schlegel, who published 6 volumes of Dissentations between 1784 and 1792. Dr. Beck consulted him at length, and in his first volume published the titles and counts of each of the 6 volumes.

It is doubtful if in the entire 6 volumes one writer is found who makes such a distinction as between the title, "Medical Jurisprudence; Legal Medicine; or Forensic Medicine, as is here suggested, and I can recall no writer, or the last century or the present, who made any suggestion in his published works, to make such discriminations, as to the correct definition of these terms, as is suggested in the Introduction of the work which the writer is one of the authors.

The introduction of Dr. Beck's work is a classic in the History of Medical Jurisprudence and Forensic Medicine. In the whole field of Medico-Legal Science; in all its departments and various branches; related to the Legal Profession, the Medical Profession, the Alienist, the Medico-Legal Jurist, the Chemist, the Toxicologist, the Bacteriologist, the Pathologist, the Pharmacist, the Microscopist, to the student in every branch of Scientific inquiry that lends to the aid of Scientific research, investigation and inquiry, to the investigation of the causes and the commission of crime; its prevention; or the regulation of the laws or their enforcement in the protection of the public health, by

legislation, commonly called Preventive Legislation; it all belongs to the Science of Medical Jurisprudence; is a proper part of Forensic Medicine.

The Medico-Legal Jurist may be a lawyer, a physician; a chemist, a toxicologist, a microscopist, a pharmacist, a bacteriologist, a pathologist, a surgeon, an embalmer of the dead one skilled in the use of light, of electricity, of radium, of the spectroscope, of all those aids that science lends to the investigation of crime as to its commission; no matter what the problem or the question is; Medical Jurisprudence is that science that has the whole domain of investigation in charge, and she welcomes to the solution, aids from all sources of intelligent investigation and inquiry, that light, which is or should be the object of all inquiry in cases belonging to this domain of Forensic Medicine.

Before any one should be allowed to testify in a Court of Justice as an expert, or be allowed to give an opinion, he should be shown to have had actual knowledge of and experience in the matter in question.

No lawyer or Medico-Legal Jurist should be allowed to give evidence until he is shown to have the knowledge of or experience in the special subject of the inquiry.

Because he is a lawyer of eminence he should not be allowed to give an opinion upon questions purely medical, without he is shown to have the knowledge and have had the experience therein.

No physician should as such be allowed to testify, on any question, even if called a medical question, until he is shown to have the knowledge and the actual experience in and contact with the subject of inquiry.

For example, a physician as such should not be allowed to testify as an expert in a case of insanity, until he is shown by knowledge or experience to be competent to know of what he is saying.

A physician, as such, should not be allowed to give an opinion as to any subject with which he is familiar, from actual experience and personal knowledge.

In the case of Patrick, for example, Drs. Loomis, Williams and another were allowed to give an opinion, that in the embalming progress, by the right brachial artery; the fluid did not and could not enter the lungs; and neither of

them were shown to have any knowledge of the subject or that they had ever embalmed a body.

A microscopist, whether he was a physician or not, should be confined to his subject, unless shown to have knowledge and experience in the subject he testifies about.

Any specialist should be confined to the subject of which he has superior know ledge and experience, and not be allowed to testify outside, as to the subject he is not proven to have had experience and knowledge in.

This rule should apply to all experts in all cases.

To return to Dr. Beck's 1st volume, brought out at the end of the first quarter of the last century, it is of great value, to be able to control the status of the Science in the eyes of the ablest teacher of Medical Jurisprudence at that time, based on a careful examination of the authors of that period, and I shall print the Introduction to his work and the authorities which he consulted. Dr. Beck says:

Medical Jurisprudence, Legal Medicine, or Forensic Medicine, as it is variously termed, is that science which applies the principles and practice of the different branches of medicine to the elucidation of doubtful questions in courts of justice. By some authors it is used in a more extensive sense, and also comprehends Medical Police, or those medical precepts which may prove useful to the legislature or the magistracy. I shall employ it at this time in its restricted sense.*

Traces of this science are to be found as early as the institution of civil society. Thus, in the Jewish law, indications of it may be observed in the distinction established between mortal wounds and those not so, and in the inquiries prescribed in cases of doubtful virginity. Among the Egyptians, according to Plutarch, it was ordained that no pregnant woman should suffer afflictive punishment—while the Romans, even from that early period in which Numa Pompilius flourished, grounded many of their laws on the authority of ancient physicians and philosophers. Propter auctoritatem doctissimi Hippocratis, is a phrase

*If a general term be necessary to include both these sciences, I should prefer that used by the Germans, viz. State Medicine.

frequently met with in their decisions;** and the emperor Adrain, in extending the term of legitimacy from ten months (the period fixed by the decemvirs,) to eleven, was influenced, in so doing, by the prevailing sentiments of the physiologists of that day.|| Some detached but striking merico-legal facts are also mentioned by the Roman historians. Thus, the bloody remains of Julius Caesar, when exposed to the public view, were examined by one Antistius, who declared, that out of twenty-three wounds which had been received, but one was mortal, and that had penetrated the thorax, between the first and second ribs. The body of Germanicus was also inspected, and by indications conformable to the superstitions of the age, it was decided that he had been poisoned.*

The code of Justinian contains many provisions appertaining to this science, which we shall have frequent occasion to quote in the subsequent pages. Some of these provisions, indeed, are incorporated into the laws of almost every civilized country at the present day.

All the laws of the ancients, however, and all the facts drawn from their history, are to be considered as merely the first glimmerings of knowledge on this subject—and knowledge, too, founded on the imperfect diagnostics which medicine afforded at that early period. It was never ordained that physicians should be examined on any trial until after the middle ages; and we are indebted to the emperor Charles the Fifth of Germany for the first public enactment prescribing it as necessary, and thereby recognizing its utility and importance. In the celebrated criminal code which was framed by him at Ratisbon, in 1532, and which is known by the name of the "Constitutio Criminalis Carolina," or the Caroline code, it is ordained, that the opinion of medical men shall be formally taken in every case where death has been occasioned by violent means—such as child-murder, poisoning, wounds, hanging, drowning, the procuring of abortion, and the like.

"The publication of such a code very naturally awakened the attention of the medical profession, and summoned numerous writers from its ranks." It was the first regular

**Belloc, p. 6. ||Fodere. Introduction, p. xiv.

*Fodere. Introduction, p. xxiv.

commencement and origin of legal medicine, and it required only such an enactment to apprehend the utility of which it was susceptible.

The kings of France soon became aware of the value of similar institutions. In 1556, Henry II. promulgated a law, by virtue of which, death was inflicted on the female who should conceal her pregnancy, and destroy her offspring. In 1606, Henry IV. presented letters patent to his first physician, by which he conferred on him the privilege of nominating two surgeons in every city and important town, whose duty it should exclusively be to examine all wounded or murdered persons, and to make reports thereon; and in 1667, Louis XIV. formally declared, that no report should be valid unless it had received the sanction of at least one of these surgeons.* At a subsequent period (1692) physicians were by law associated with surgeons in these examinations.

The writers who have investigated the science of medical jurisprudence are numerous, and many of them have displayed great talent and acuteness. Some have noticed it as a system, while others have examined detached parts. I shall content myself with mentioning the more distinguished; as a catalogue of these authors, with the titles of their works, would uselessly fill several pages.

Fortunatus Fidelis is probably the earliest writer on the science. He is an Italian; and his work, "De Relationibus Medicorum," was published in 1602, at Palermo. Paulus Zacchias soon followed him, in his great work entitled "Quæstiones Medico-Legales," which appeared at Rome between 1621 and 1635.** This distinguished man rose to great eminence in his profession, and was physician to Pope Innocent the Tenth. He died in 1659, in the 75th year of his age. His treatise on legal medicine, although partaking of the superstition of the age in which he lived, is still a most valuable record of facts, and a permanent monument of the talents of the author. The following is a general outline of the contents of the first volume. First Book. Age. Legitimacy. Pregnancy. Superfœtation and Moles. Death during delivery. Resemblance of children to their parents.—Second Book. Dementia. Poisoning.—Third

*Fodere. Introduction, p. xxxii.

**Life of Zacchias, prefixed to his Quæstiones M. L.

Book. Impotence. Feigned diseases. The plague and contagion.—Fourth Book. Miracles. Rape.—Fifth Book. Fasting. Wounds. Mutilation. Salubrity of the air, &c. The second volume is principally filled with a discussion of casuistical questions.

In Germany, Bohu was among the earliest writers; but his treatise is confined to a consideration of wounds. The Pandects of Valentini, which appeared in 1702, and which were shortly followed by his Novellae, form a very complete and extensive retrospect of the opinions and decisions of preceding writers on legal medicine. They, consist, indeed, of medico-legal cases, and the consultations of distinguished physicians, and of medical and legal faculties, on them Alberti, Zittman, Teichmeyer, Fazelius, Goelicke, Hebenstreit, Plenck, Daniel, Sikora, Ludwig, and Metzger, are also German authors of eminence in this branch of learning. But one of the most valuable and comprehensive collections that has ever appeared, is that edited by Schlegel. It consists of upwards of forty dissertations on various parts of medical jurisprudence, written by Germans at different periods during the eighteenth century, and is alike honorable to the national character, and the individuals whose investigations appear in it.

Fodere, in his sketch of the history of the science in France, considers Ambrose Pare as the earliest writer on it in that country. His chapters on reports, and his observations on feigned diseases, indicate the talents for which he is still famous at the present day; an in such estimation were his works held in his native country, that for more than a century they formed the sole guide of the French surgeon. To him succeeded Gendri in 1650,, Blegni in 1684, and Deveaux in 1693 and 1701. Their works were particularly intended for thebenefit of surgeons, from whom, as I have already stated, the examiners in medico-legal cases were selected.

Louis is, however, considered, and with great jutice, as the individual who first promulgated a just idea of the science to his countrymen. He investigated several important points with great ability; such as the certainty of the signs of death, protracted gestation, drowning, and the proofs that distinguish hanging through suicide, from hanging as an act of murder. His consultations also in

various cases, and which are preserved in the Causes Celebres, abound in various and instructive learning. Some of his opinions gave rise to animated discussions, and thus excited public attention to these subjects generally. Winslow, Larry, Lafosse, and Chaussier, also deserve notice among the French writers; while towards the conclusion of the eighteenth century, Professor Mahon, with several others, published in the Encyclopedie Methadique copious dissertations on medical jurisprudence.*

In 1796, Fodere published the first edition of his work, in three octavo volumes, under the title of "Les Lois eclaires par les Sciences Physiques, ou Traite de Medecine Legale et d'Hygiene Publique." This learned physician is a resident of Strasburgh, and the author of several other treatises of deserved reputation. In 1807, the System of Mahon, late Professor of Legal Medicine, and the History of Medicine in the School of Medicine at Paris, appeared, with notes, by M. Fautrel; and about the same time, Belloc, a surgeon at Agen, published his sensible and useful treatise in one volume. Marc, in 1808, presented a translation from the German, of the Manual of Rose on Medico-Legal Dissection, and enriched it with valuable notes, besides adding two most instructive dissertations—one on the docimasia pulmonum, and the other on death by drowning. In 1812 Ballard published a translation, also from the German, of Metzger's Principles of Legal Medicine. This work is peculiarly valuable for the great learning displayed in its notes, and the opportunity thus afforded of becoming acquainted with the sentiments of authors whose writings are either inaccessible, or in some degree antiquated.

After bestowing great labor, during several years, a second edition of his treatise was published by Fodere, in 1813. It is now extended to six volumes—four of these on legal medicine, and two on medical police. Without proceeding to minute criticism, I may remark, that it is in many respects the most vauable systematic work on the science in the French language. I have made frequent use of it in the following pages.

After a few years, there appeared in Paris one of the most original publications that the present age has yet

*Fodere. Introduction, p. xxxvii, &c.

afforded—I refer to the System of Toxicology by Orfila, a Spaniard by birth, but I believe naturalized, or at least permanently resident, in France. This is copious, beyond all former treatises, in original experiments, and it has done much to increase our knowledge of the action and the tests of individual poisons. In 1821, Professor Capuron published on legal medicine, so far as it relates to midwifery.

The first work professing to treat of medical jurisprudence that appeared in England, was the production of Dr. Farr; this was in 1788; and in his preface he mentions that it is derived from Fazelius' Elements of Forensic Medicine. It is brief and imperfect, extending only to one hundred and forty duodecimo pages. It arrived at a second edition in 1814. The Medical Ethics of Percival contain some useful facts; and Dr. William Hunter, in his essay "on the Uncertainty of the Signs of Murder in the Case of Bastard Children," examined a most important and leading subject in medical jurisprudence. In 1815, Dr. Bartley, of Bristol, published a few essays on some points connected with midwifery.

Dr. Male, of Birmingham, in 1816, presented the first English original work of any magnitude or value on medical Jurisprudence. It has evidently aided in drawing the public attention in Great Britain to this science. In 1821, Dr. John Gordon Smith published his excellent treatise entitled "The Principles of Forensic Medicine, systematically arranged and applied to British practice." And I may be permitted to bear my humble testimony to the talents and good sense displayed in it. In its application to the English laws, and in its illustrations by individual cases, it is strictly an original work. The last and most copious systematic work in the English language has been already mentioned. Its authors are Dr. Paris and J. S. M. Fonblanque, Esq., and it is comprised in three octavo volumes. As it is dedicated, by permission, to the Earl of Eldon and to Sir Henry Halford, Bart, the President of the Royal College of Physicians, of London, it may be presumed that these dignified characters are aware of the importance of the science, and that the sneers so freely and flippantly uttered, both in and out of parliament, against the Fox ministry, for founding a chair of medical jurisprudence in the University of Edinburgh, will no longer be heard.

To the professorship just alluded to, Dr. Andrew Duncan, junior, was appointed. He was the first professor of medical jurisprudence in any British university. His venerable father had for some years previous urged its importance on the public, and even delivered, I believe, a course of private lectures; but it was not until 1803 that Dr. Duncan junior, received his appointment.

If the publications contained in the Edinburgh Medical and Surgical Journal, of which he is the editor, are to be deemed any critedion on this subject, I should not hesitate to declare my decided conviction, that Dr. Duncan is, at present, the ablest and most learned medical jurist in Great Britain. The numerous and valuable cases, essays, and reviews, published from time to time in the journal, have almost supplied the want of systematic works; and if the literature of that country has been deficient in the latter, she has at least furnished her full proportion of the former.—Lectures are now delivered on the science in London, Edinburgh, and Glasgow.

This brief outline may suffice to give some idea of the ardour with which medical jurisprudence is investigated in Europe. It forms the study of systematic writers—either as a whole or in parts, and is the leading subject in many periodical publications.*

In returning to my native country, I must promise, that as our literature has been in a great degree derived from Great Britain, so the objects of study will frequently be those that are most popular there. And as medical jurisprudence has only within a few years met with its deserved attention in that country, it may in some degree account for the little interest which it has here excited. We have, however, a few publications to notice. In 1810, the venerable and distinguished Dr. Rush delivered an Introductory Lecture in the University of Pennsylvania, (and which was published in 1811), in which he dwelt in an eloquent and impressive manner on the importance of the study. After stating the various subjects comprehended under it, he dilated particularly on insanity, and showed its application in medico-legal cases. In the conclusion, he thus forcibly

*A copious list of authors on the science will be found in the notes to Metzger, pp. 265 to 306; in Brendel, p. 61; and in the preface to Hebenstreit.

establishes the utility of the science:—"To animate you to apply to the study of all the subjects enumerated in the introduction to our lecture, I beg you to recollect the extent of the services you will thereby be enabled to render to individuals and public; fraud and violence may be detected and punished; unmerited infamy and death may be prevented; the widow and the orphan may be saved from ruin; virgin purity and innocence may be vindicated; conjugal harmony and happiness may be restored; unjust and oppressive demands upon the services of your fellow-citizens may be obviated; and the sources of public misery in epidemic diseases may be removed, by your testimony in courts of justice."*

In 1819, Dr. Thomas Cooper, formerly a judge in Pennsylvania, and now president of the College of South Carolina, republished, in one volume, several English tracts on medical jurisprudence, viz. Farr, Dease, Male, together with Haslam on Insanity. To these he added copious notes, and a digest of the law relating to insanity and nuisance. Having had occasion to differ with Dr. Cooper on some medico-legal points, my opinion will not be misconstrued, I trust, when I state my conviction, that he has dome much by that publication to promote the study of the science in the United States. From his standing in the legal profession, he has attracted the attention of lawyers to it in a degree which a physician could scarcely hope for. He has also strongly illustrated the importance of the subject to both professions, to the promotion of the ends of justice, and to the welfare of our free communities.

These, with the exception of some inaugural dissertations, and cases and essays in medical journals, constitute, so far as my information extends, the American publications on the science.

Our lecturers have been rather more numerous. The first that ever delivered a course on it before an American audience, was the late James S. Stringham, M. D., of New York. With feelings which will be readily appreciated, when I state that my first impulse towards the study was derived from attendance on Dr. Stringham's lectures, I was desirous of commemorating his name in these introductory

*Rush's Introductory Lectures. p. 392.

remarks, and I have been enabled to do so through the kindness of his successor.

Dr. Stringham was born in the city of New York, of respectable parents, whose circumstances in life happily enabled them to furnish to their son the opportunities of a liberal education. He prosecuted his classical studies in Columbia College, and was graduated there in 1793. After this, he immediately entered upon a course of medical education, under the care of the late Dr. S. Bard, and Dr. Hosack, and diligently attended for several years to all the branches of medicine then taught in New York. He subsequently repaired to Edinburgh, became a student in the university, and in 1799 received from it the degree of M. D.

Shortly after his return to his native country, he was elected Professor of Chemistry in Columbia College, and for several years delivered lectures on that science. Not satisfied, however, with these exertions, and anxious for a more extended sphere of usefulness, he voluntarily prepared a course of lectures on Legal Medicine. To the students who attended him, this proved a source of great gratification and instruction, and its utility was readily acknowledged.

Having long labored under an alarming organic disease of the heart, and finding his constitution materially impaired, Dr. Stringham resigned his office as Professor of Chemistry in Columbia College; but upon the union of the Medical Faculty of that college with the College of Physicians and Surgeons, he was induced to accept the Professorship of Medical Jurisprudence. In this station he continued until his death, which happened at the island of St. Croix (whither he had repaired for the benefit of his health), on the 29th of June, 1817.

Besides his inaugural dissertation, "De Absorbentium Systemate," Dr. Stringham was the author of several essays and papers in the medical journals of the day. He published in the New York Medical Repository an account of the efficacy of digitalis purpurea in allaying excessive action of the sanguiferous system—a description of a remarkable species of intestinal vermes—an account of the violent effects of corrosive sublimate—and a case of hydrocephalus; in the Philadelphia Medical Museum, a paper

on the effects of mercury in a case of syphilis; and in the Edinburgh Medical and Surgical Journal, a paper on the yellow fever of America.

A syllabus of the lectures of Professor Stringham is contained in the American Medical and Philosophical Register.* The subjects noticed by him were as follows.—Age—propriety of the Caesarean operation—virginity and rape—concealed pregnancy—pretended pregnancy—quickening—abortion—superfoetation — monstrosity—hermaphrodites—impotence and sterility—feigned diseaes—concealed diseases—poisons—medico-legal dissection—wounds—infanticide—death from hanging and drowning—medical etiquette—effects of particular manufactories on health—salubrity of water.

Dr. John W. Francis was appointed Professor of Medical Jurisprudence on the decease of Dr. Stringham; but, by a subsequent arrangement, the professorship was abolished. Those parts, however, which relate to midwifery, are still taught from the obsterical chair.

In 1815 I was requested to deliver a course of lectures on the science at the Western Medical College; and from the winter of that year, have annually, with one exception, attended to this duty. Not long after, Dr. Walter Channing was appointed Professor of Midwifery and Medical Jurisprudence in Harvard University. Other medical schools are also devoting proper attention to it; and I may add, that a course of private lectures was delivered some years since, in Philadelphia, by Dr. Charles Caldwell, now of Transylvania University.

It only remains to offer some observations on the arrangement that has been adopted in the present work.

Some writers endeavor to divide the subjects according to the courts before which they may arise, and thus devote separate chapters to civil and criminal cases. It will, however, be readily perceived, that this must render the study confused. Pregnancy, for example, may be a subject of inquiry, on a plea for a delay of execution—or on the application of an heir for his property. In both instances its signs require examination. So also with insanity, and several other topics. It will hence only lead to a repetition to

*Volume iv, p. 614.

adopt this division. Fodere has escaped from the difficulty, by including these subects under the title of "Medicine Legale mixte," applicable both to civil and criminal cases; but this is evidently an evasion. Dr. Gordon Smith arranges his subjects into three parts: 1. Questions that regard the extinction of human life; 2. Questions arising from injuries done to the person, not leading to the extinction of life; and, 3. Disqualifications for the discharge of social or civil functions.

I must confess that I have found a confusion to attend all these attempts at arrangement, which is probably insurmountable. The subjects comprehended under the science are not of a nautre to admit of a division similar to that proposed by either of the above writers. I have preferred noticing each head of discussion separately and independently. Before a legal tribunal they must be thus investigated, and the nearer we approach in our studies to this, the easier will be their application to practice.

The general arrangement is thus, I apprehend, not a matter of great moment; but on taking up a distinct topic, the first question which I have proposed to myself, has been the following: How can the examination of this point come before a judicial tribunal? Having ascertained and stated this, I proceed to notice the physiological, pathological, or chemical facts, that are necessary to be known in the supposed case—advert to the difficulties to be encountered in the investigation—and offer, if necessary, some observations on the conformity of the law to the present state of medical knowledge. A collection of detached essays of this description (for they evidently are detached in their subjects and in their application) must prove in a great degree useful, both to the lawyer and the physician; since it enables them, in their respective capacities, to review the information that is immediately applicable to a particular instance before them. If, in the opinion of enlightened men of these professions, I have effected this in some tolerable degree, my highest ambition will be gratified.*

*Some subjects of minor importance have been omitted in the present work, from a fear of enlarging it to an inconvenient size. They are, however, of such a nature, as to admit of their examination with perfect propriety in a treatise on Medical Police.

CATALOGUE OF BOOKS REFERRED TO BY DR. BECK.

As many of the systematic works on Medical Jurisprudence, together with several periodical publications, are very frequently quoted in the ensuing pages, I conceived it would be preferable to give a catalogue of them in the commencement of the work. I shall thus be enabled to render the subsequent references more concise. The words in black, at the beginning of every title, are used in the body of the book.

American Medical Recorder. Conducted by Drs. Eberle, Ducachet, &c., &c. (Commenced in 1818.) 5 vols. 8vo. Philadelphia (1818 to 1823.)

American Philosophical Society, held at Philadelphia, Transactions of. 7 vols. 4to. Philadelphia. (1786 to 1818).

Annals. .Annals of Philosophy, or Magazine of Chemistry, Mineralogy, Mechanics, &c. By Thomas Thomson, M. D., F. R. S., &c. 16 vols. 8 vo. London. (1813 to 1820.)

Annals, N. S. Annals of Philosophy, New Series. By Richard Phillips. 4 vols. 8vo. London. (1821, 1822.)

Baillie. The Morbid Anatomy of the Human Body. By Matthew Baillie, M. D., F. R. S.

Ballard. See Metzger.

Bartley. A Treastise on Forensic Medicine, or Medical Jurisprudence. By O. W. Bartley, M. D. Bristol, 1815. 12 mo.

Barton's Medical Botany, or Vegetable Materia Medica of the United States, &c. By W. P. C. Barton, M. D., Surgeon in the U. S. Navy, and Professor of Botany in the University of Pennsylvania. 2 vols. 6vo. Philadelphia, 1805 to 1809.

Barton's Medical and Physical Journal. The Philadelphia Medical and Physical Journal, collected by Benjamin S. Barton, M. D. Professor of Materia Medica in the University of Pennsylvania. 2 vols. 8vo. Philadelphia. 1805 to 1809.

Beckmann. A History of Inventions and Discoveries. By John Beckmann, Public Professor of Economy in the University of Gottingen. Translated from the German, by William Johnston. 4 vols. 8vo. London. 1797. 4th vol. 1814.

Belloc. Cours de Medecine Legale, theorique et pratique; ouvrage utile, on-seulement aux Medecins et aux Chirurgiens, mais encore aux Juges et aux Jurisconsultes. Par J. J. Belloc, Medecin Operant, Professor particulier de Medecine et Chirurgie; Membre de la Societe d'Agriculture, Sciences, et Arts, seante a Agen; Correspondent de la Societe de Medecine, et de celle de l'Ecole de Paris, &c. Seconde edition, corrigee et augmentee. 8vo. Paris. 1811.

Bigelow's Meical Botany. American Medical Botany; being a Collection of the Native Medical Plants of the United States, &c. By Jacog Bigelow, M. D., Rumford Professor, and Lecturer on Materia Medica and Botany in Harvard University. 2 vols. 8 vo. Boston. 1817, 1819.

Blatchford's (Thomas W.) Inaugural Dissertation on Feigned Diseases. New York. 1817.

Bohn. (D. J. Bohnii Anat. et Chirurg. Prof. Pub. Lips) De Renunciatione Vulnerum, seu Vulnerum Lethalium Examen, &c. Editio altera. Anstelodami. 1732. 12mo.

Bostock. A Vindication of the Opinions delivered in evidence by the Medical Witnesses for the Crown on a late trial at Lancaster for Murder. 8vo. Liverpool. 1808.

Brande. A Manual of Chemistry, &c. By William T. Brande, F. R. S., F. R. S. E., &c., &c.; with notes and emendations by Wm. Jas. M'Neven, M. D., Professor Chemistry, &c., New York. 8vo. New York. 1821.

Brande's Journal. A Journal of Science, Literature, and the Arts. Edited at the Royal Institution of Great Britain, (by William T. Brande, F. R. S., &c.) 8vo. 14 vols. I have used the American edition in my quotations from the first five volumes.

Brendelii J. G. (Archiatri quondam Regii, et in Academia Georgia-Augusta Professoris Medicine Ordinarii celeberrimi) Medicina Legalis sive Forensis; ejusdemque Praelectiones Academicae in Hermanni Fried. Teichmeyeri Institutiones Medicinae Legalis. Edit. curavit, notis quibasdam, et indice locupletissimo auxit F. Gottleib Meierus, M. D., &c., &c. 4to. Hannoverae. 1789.

Burns. The Principles of Midwifery, including the Diseases of Women and Children. By John Burns, Lecturer on Midwifery, and Member of the Faculty of Physicians and Surgeons, Glasgow. 8vo. London. 1809.

Capuron. La Medecine Legale relative a l'Art des Accouchemens. Par J. Capuron, Docteur en Medecine de la Faculte de Paris, Professeur d'Accouchement, es Maladies des Femmes et des Enfans; Membre de plusieurs Societes nationales et etrangeres. 8 vo. Paris. 1821.

Causes Celebres, par Mejan. Recueil des Causes Celebras, et les Arrets qui les ont decidees; redige par Maurice Mejan, Jurisconsulte, Membre de l'Athenee de la Langue Francaise. 21 vols. 8vo. Paris. 1808 to 1813.

Chapman's Journal. The Philadelphia Journal of the Medical and Physical Sciences. Edited by Nathaniel Chapman, M. D., Professor of the Institutes and Practice of Physics, &c., University of Pennsylvania. Commenced in 1820. 5 vols. 8vo. Philadelphia. (1820 to 1823).

Collinson on Lunacy. A Treatise on the Law of Idiots, Lunatics, and other Persons non compotes mentis. By George Dale Collinson, A. M., of Lincoln's-Inn, Barrister-at-Law. 2 vols. 8vo. London. 1812.

Conquest. Outlines of Midwifery, developing its Principles and Practice. By J. T. Conquest, M. D., F. L. S., &c. Second edit. 12mo. London. 1821.

Cooper. Tracts on Medical Jurisprudence; including Farr's Elements of Medical Jurisprudence, Dease's Remarks on Medical Jurisprudence, Male's Epitome of Juridical or Forensic Medicine, and Haslam's Medical Jurisprudence, as it relates to Insanity; with a preface, notes, and a digest of the law relating to insanity and nuisance. By Thomas Cooper, Esq., M. D., Professor of Chemistry and Mineralogy in the University of Pennsylvania, &c. With an Appendix, &c. 8vo. Philadelphia. 1819. In quoting from this work, I have referred to each author, as I may have had occasion to notice him. Whenever any of the observations of Dr. Cooper are mentioned, I give him the proper credit.

Dease. Remarks on Medical Jurisprudence; intended for the general information of Juries and young Surgeons. By William Dease, Surgeon. (Inscribed to Lord Clonmel, Chief-Justice of Ireland.) This is published in Cooper's Tracts, which see.

De Haen (Antonii, Consiliarii Aulici ac Medicinae Practicate in alma et antiquissima Universitate Vindobonensi, Professors Primarii) Ratio Medendi in Nosocomio Practico Vindobonensi. 4 vols. 8vo. Leyden. 1761—1772.

Denman. An Introduction to the Practice of Midwifery. By Thomas Denman, M. D., &c. &. With notes and emendations by John W. Francis, M. D., Professor of Obstetrics, &c., &c. New York. 8vo. 1821.

Dorsey. Elements of Surgery, &c. By John Syng Dorsey, M. D., Adjunct Professor of Surgery in the University of Pennsylvania, &c. 2 vols. 8vo. Philadelphia. 1813.

Ducachet's (Henry W.) Inaugural Dissertation on the Action of Poisons. New York. 1817.

East. A Treatise of the Pleas of the Crown. By Edward Hyde East, Esq., of the Inner Temple. 2 vols. 8 vo.

Eclectic Repertory, and Analytical Review, Medical and Philoso phical. Edited by a Society of Physicians. Philadelphia. 10 vols. 8vo. (1810 to 1820.)

Edinburgh Medical Essays and Observations. Published by a Society in Edinburgh. 5th edit. Edinburgh. 1771. 6 vols.

Edinburgh Medical and Surgical Journal. Exhibiting a concise view of the latest and most important discoveries in Medicine, Surgery, and Pharmacy. Edinburgh. 18 vols. 8vo. (1805 to 1823.)

Edinburgh Philosophical Journal. Exhibiting a view of the progress of discovery in Natural Philosophy, Chemistry, Natural History, Practical Mechanics, Georgraphy, Statistics, and the Fine and Useful Arts. Conducted by Dr. Brewster and Professor Jameson. Edinburgh. 8 vols. 8vo. (1819 to 1823.)

Farr. Elements of Medical Jurisprudence; or a succinct and compendious Description of such Tokens in the Human Body as are requisite to determine the judgment of a Coroner, and Courts of Law, in cases of Divorce, Rape, Murder, &c. To which are added, Directions for preserving the Public Health. By Samuel Farr, M. D. 2d edit. London. 1814. 12mo.

Fearne. The Posthumous Works of Charles Fearne, Esq., Barrister at Law. Selected from the author's manuscripts, by Thomas M. Shadwell, of Gray's Inn, Esq. 8vo. London. 1797. (See Presumption of Survivorship.)

Fodere. Traite de Medecine Legale, et d'Hygiene Publique, ou de Police de Sante, adapte aux Codes de l'Empire Francais, et aux Connoissances actuelles, &c. Par F. E. Fodere, Docteur en Medecine. 2d edit. 6 vols. 8vo. Paris. 1813.

Fodere. .Traite du Delire. Traite du Delire applique a la Medecine, a la Morale, et a la Legislation. Par F. E. Fodere, Professor de Medecine Legale et de Police Medicale, a la Faculte de Medecine de Strasbourg, &c. 2 vols. 8vo. Paris. 1817.

Francis' Denman. See **Denman.**

Godman. The Western Quarterly Reporter of Medical, Surgical, and Natural Science. Supported by Physicians and Naturalists of the Western Country. Edited by John D. Godman, M. D., &c., &c., &c. 5 Nos. Cincinnati. (Ohio.) 1822. (This work contains some very valuable essays on Medical Jurisprudence, translated from the French.)

Goodwyn. The Connexion of Life with Respiration; or, an experimental Inquiry into the Effects of Submersion, Strangulation, and several kinds of noxious Airs, on Living Animals, &c. By Edmund Goodwyn, M. D. 8vo. London. 1788.

Gordon. Tentamen Inaugurale Medicum de Arsenico, quam annuente, &c., pro gradu Doctoris, &c. Jacobus A. Gordon, Chirurgus, &c. 8vo. Edinburgh. 1814.

Haller, Elementa Physiologiae Corporis Humani. Auctore Alberto V. Haller. Praeside Societ. Reg. Scient. Gotting. &c., &c. 8 vols. 4to. Lausanne and Berne. 1757—1766.

Harleian Miscellany, The. 8 vols. 4to. London. 1745.

Haslam. Medical Jurisprudence, as it relates to **Insanity,** according to the Law of England. By John Haslam, M. D., late of Pembroke Hall, Cambridge, &c. See Cooper's Tracts.

Haslam on Madness. Observations on Madness and Melancholy; including practical remarks on those diseases, together with cases, &c. By John Haslam, late of Pembroke Hall, Cambridge, &c. 2d edit. 8vo. London, 1809.

Hebenstreit (D. Jno. Ern. in Universitate Lipsiensi Therapiae Prof. Pub., Facultatis Medicae Decani, Urbis Physici,) Anthropologia Forensis, sistens Medici circa Rempublicam, caussaque dicendas officium, &c. 12mo. Lipsiae. 1751.

Hennen. Principles of Military Surgery; comprising observations on the Arrangement, Police, and Practice of Hospitals, &c. By John Hennen, M. D., F. R. S. E., Deputy Inspector of Military Hospitals. 2d edit. 8vo. Edinburgh. 1820.

Henry. The Elements of Experimental Chemistry. By William Henry, M. D., F. R. S., &c. The third American, from the sixth English edition, with Notes by Professor Silliman, of Yale College. 2 vols. 8vo. Boston. 1814.

Highmore. A Treatise on the Law of Idiocy and Lunacy. By A. Highmore, author of the Law of Mortmain, &c. 8vo. Exeter. (New Hampshire.) 1822.

Hill. An Essay on the Prevention and Cure of Insanity; with observations on the Rules for the Detection of Pretenders to Madness. By George Nesse Hill, Medical Surgeon, &c. 8vo. London. 1814.

Hosack. The American Medical and Philosophical Register. Conducted by Drs. Hosack and Francis. 4 vols. 8vo. New York. (1811 to 1814.)

Hutchinson. A Dissertation on Infanticide, in its relations to Physiology and Jurisprudence. By William Hutchinson, M. D., F. L. S. 8vo. pp. 100. London. 1820.

Johnson. An essay on the Signs of Murder in new-born Children. Translated from the French of Dr. P. A. O. Mahon, Professor of Forensic Medicine in the Medical School of Paris, by Christopher Johnson, Surgeon, Lancaster; with a Preface and Notes. 8vo. Lancaster. 1813.

Journal of Foreign Medical Science and Literature (The). A continuation of the Eclectic Repetory. Conducted by Samuel Emlen, Jun. M. D., and William Price, M. D. 2 vols. 8vo. Philadelphia. (1821, 1822.)

Larrey. Memoirs of Military Surgery, and Campaigns of the French Armies on the Rhine, in Corsica, Catalonia, Egypt, &c., &c. From the French of D. J. Larrey, M. D., First Surgeon of the Imperial Guard, &c., &c. By Rishard Willmqtt Hall, M. D., Professor of Midwifery in the University of Maryland. 2 vols. 8 vo. Baltimore. 1814.

Le Clerc. Essai medico-legal sur l'Empoisonnement, et sur les Moyens que l'on doit employer pour les constater. Par N. Le Clerc, Docteur en Medecine, ex-Aide-Bibliothecaire de l'Ecole Speciale de Medecine de Strasburg. 8vo. Paris. 1803.

London Medical and Physical Journal. Of this I have only been enabled to consult detached volumes—from vol. 1 to 16, and from vol. 21 to 31, inclusive.

London Medical Repository. Monthly Journal, and Review. Conducted at various times by Messrs. Burrows, Royston, and A. T. Thomson; and by Dr. Burrows and Mr. Thomson; and by Dr. Uwins, Mr. Palmer, and Mr. Gray. Commenced in 1814. 15 vols. 8vo. London. (1814 to 1822.)

Louis. Lettres sur la Certitude des Signes de la Mort; avec des observations et dest experiences sur less Noyes. Par M. Louis, Conseiller, et Commissaire pour les extraits de l'Academie Royale de Chirurgie, &c. Paris. 1752. 12mo.

Louis, Memoire. Recueil d'Observations d'Anatomie et de Chirurgie, pour servir de base a la theorie des Lesions de la Tete, par contrecoup. Nouvelle edition, ou l'on a joint le Memoire contre la Legitimite des Naissances pretendues tardives, avec le Supplement au dit Memoire. Par M. Louis. Paris. 1788. 12mo.

Low (Joh. Francisci,) &c., &c. Theatrum Medico-Juridicum; continens varias easque maxime notabiles, tam ad Tribunalia Ecclesiastico-civilia, quam ad Medicinam Forensem pertinentes, Materias, &c. 4to. Norembergae. 1725.

Ludwig, (D. C. Gottleib. Ord. Med. in Acad. Lips. Decani,) Institutiones Medicinae Forensis, Praelectionibus Academicis accommodatae. 8vo. Lipsiae. 1765.

Mahon. Medecine Legale, et Police Medicale, de P. A. O. Mahon, Professeur de Medecine Legale et de l'Histoire de la Medecine a l'Ecole de Medecine de Paris; Medecin en chef de l'Hospice des Veneriens de Paris, &c.; avec quelques Notes de M. Fautrel, ancien Officier de Sante des Armees. 3 vols. 8vo. Paris. 1811.

Magendie. De l'Influence de l'Eme tique sur l' Homme et sur les Animaux; Memoire lu a la Premiere Classe de l'Institut de France le 23 Aout, 1813. Par M. Magendie, Docteur Medecin de la Faculte de Paris, Professeur, &c. 8 vo. Paris. 1813, pp. 62.

Male. An Epitome of Juridical or Forensic Medicine, for the use of Medical Men, Coroners, and Barristers. By George Edward Male, M. D., one of the Physicians to the General Hospital in Birmingham. (First published in 1816.) This work is quoted according to its paging in Cooper's Tracts, which see.

Marc. Manuel d'Autopsie Cadaverique Medico-legale, traduit de l'Allemand du Docteur Rose, sur la derniere edition; augmente de Notes, et de deux Memoires sur la docimasie pulmonaire, et sur les moyens de constater la mort par submersion. Par C. C. H. Marc, Docteur en Medecine. 8vo. Paris. 1808. All the references to this work are designated by the name of the editor.

Marshall. Remarks on Arsenic, considered as a Poison and a Medecine, &c., &c. By John Marshall, Member of the Royal College of Surgeons in London. 8vo. London. 1817.

Medical Commentaries. Edinburgh. 20 vols. 8vo. (Edited by Andrew Duncan, Sen., M. D.) My references to the 19th and 20th volumes are from the American edition, as the English copy which I used only included the first eighteen volumes.

Medical Transactions. Published by the College of Physicians in London. 6 vols. 8co. London. (1768 to 1820.)

Medico-Chirurgical Review, and Journal of Medical Science. Conducted by associated Physicians and Surgeons, and superintended by James Johnson, M. D. (Analytical Series.) 5 Nos. New York. 1823.

Medico-Chirurgical Transactions. Published by the Medical and Chirurgical Society, London. 8vo. 11 vols. and vol. 12, part 1. (1809 to 1822.)

Memoirs of Literature. By Michael de la Roche. 8 vols. 8vo. 2d edit. London. 1722.

Memoirs of the Medical Society of London, instituted in the year 1773. 6 vols. 8vo. London. (1789 to 1805.)

Metzger. Principes de Medecine Legale on Judiciaire, traduits de l'Allemand du Docteur J. Dan. Metzger, et augmentes de Notes par le Dr. J. J. Ballard, Medecin Ordinaire de la Grande Armee, &c. 8vo. Autun. 1812. The additions made by Ballard are referred to him in my quotations.

Michaelis. Commentaries on the Laws of Moses, by the late Sir Jorn David Michaelis, K. P. S., F. R. S., &c. Translated from the German by Alexander Smith, D. D., &c. 4 vols. 8vo. London. 1814.

Monthly Journal of Medicine. Containing Selections from European Journals, the Transactions of Learned Societies, &c. (Commenced in 1823.) 1 vol. 8vo. Hartford. 1823.

Morgagni. The Seats and Causes of Diseases, investigated by Anatomy, &c. Translated from the Latin of John Baptist Morgagni, Chief Professor of Anatomy, and President of the University at Padua. By Benjamin Alexander, M. D. 3 vols. 4to. London. 1769.

Morgagni (Jo. Baptistae) Opuscula Miscellanea. Folio. Ventus. 1763.

Moseley. A Treatise on Tropical Diseases, on Military Operations, and on the Climate of the West Indies. By Benjamin Moseley, M. D., &c. 4th edit. 8vo. London. 1803.

Murray. A System of Chemistry; by John Murray, Lecturer on Chemistry, and on Materia Medica and Pharmacy. 4 vols. 8vo. Edinburgh. 1809.

New England Journal of Medicine and Surgery, &c. 8vo. Boston. 11 vols. (1812 to 1823.)

New York Medical and Physical Journal. Edited by Drs. Francis, Dyckman, and Beck. (Commenced in 1822.) 1 vol. and 2 Nos.

New York Medical Repository. Edited at various times by Drs. Mitchill, Miller, Smith, Pascalis, Akerly, Manley, and Drake. 22 vols. 8vo. New York. (1797 to 1822.)

Orfila. A German System of Toxicology; or, a Treatise on Poisons drawn from the Mineral, Vegetable, and Animal Kigdoms, considered as to their relations with Physiology, Pathology, and Medical Jurisprudence. By M. P. Orfila, M. D., of the Faculty of Paris, Professor of Chemistry and Natural Philosophy. Translated from the French by John A. Waller. 2 vols. 8vo. London. 1816-17.

Orfila's Directions. Directions for the Treatment of Persons who have taken Poison, and those in a state of apparent Death; together with the Means of detecting Poisons and Adulterations in Wine; also of distinguishing real from apparent Death. By M. P. Orfila. Translated from the French, by R. H. Black, Surgeon. First American edition. 12mo. Baltimore, 1819. I quote this as Orfila's Directions, to distinguish it from the former.

Paris's Pharmacologia, or the History of Medical Substances, with a view to establish the Art of Prescribing and of Composing extemporaneous Formulae upon fixed and scientific Principles, &c., by John Ayrton Paris, M. D., F. L. S., M. R. S., &c. From the fourth London edit. 8vo. New York. 1822.

Pelletan. Clinique Chirurgicale, du Memoires et Observations de Chirurgie Clinique, et sur d'autres objets relatifs a l'art de guerir, par Ph. J. Pelletan, Chirurgien Consultant de leurs Majestes. Imper. et Royal, &c., &c. 3 vols. 8vo. Paris. 1820. The conclusion of the first volume contains several medico-legal memoirs.

Percival's Essays. Essays, Medical, Philosophical, and Experimental, By Thomas Percival, M. D., &c., &c. Vol. i. Fourth edit. 8vo. Warrington. 1788.

Percival's Medical Ethics. Medical Ethics: or, a Code of Institutes and Precepts, adapted to the professional conduct of Physicians and Surgeons, &c., &c. By Thomas Percival, M. D., F. R. S. London and Edinburgh, &c. 8vo. Manchester. 1803.

Philosophical Transactions of the Royal Society of London, from their commencement in 1665 to the year 1800; abridged, with Notes and biographical Illustrations, by Charles Hutton, LL. D., F. R. S.; George Shaw, M. D., F. R. S., and F. L. S.; and Richard Pearson, M. D., F. S. A. London. 1809. 18 vols. 4to. My references are all made to the original edition, and not to the paging as it stands in this abridgement.

Quarterly Journal of Foreign Medicine and Surgery, and of the Sciences connected with them. 4 vols. 8vo. London. Commenced in 1818. (1818 to 1823.)

Republic of Letters. Present State of the. (Conducted by Andrew Reid.) 18 vols. 8vo. London. (1728 to 1736.)

Rose. See Marc.

Rush.. Medical Inquiries and Observations upon the Diseases of the Mind. By Benjamin Rush, M. D., Professor of the Institutes and Practice of Medicine, and of the Clinical Practice, in the University of Pennsylvania. 8vo. Philadelphia. 1812.

Rush's Introductory Lectures. Sixteen Introductory Lectures to courses of Lectures upon the Institutes and Practice of Medicine, with a Syllabus of the latter, &c. By Benj. Rush, M. D., Professor, &c. 8vo. Philadelphia. 1811. (The sixteenth Lecture is on the study of Medical Jurisprudence.)

Schlegel. Collectio Opusculodum selectorum ad Medicinam Forensem spectantium, curante Dr. Joan. Christ. Traugott Schlegel, Medico apud Longo-Salissenses. 6 vols. 12mo. Lipsiae. 1785-1791. As this work contains many dissertations, which I have referred to merely by the names of the authors, I will here present the contents of each volume.

VOL. I.

1. **El Frider. Heisteri** diss. de principum cura circa sanitatem subditorum.

2. **Burchard. Dav. Maucharti** diss. de insepctione et sectione legali, harumque exemplo sepciali. R. L. Mich. Salzer.

3. **Phil Cond. Fabricii** diss. exhib. precipuas cautiones in sectionibus et perquisitionibus cadaverum humanorum pro usu fori observandis. R. Vrb, Fr. Bened. Bruckmann.

4. **Ioan. Traugott Adolphi** diss. de infanticidii notis sectione legali detegendis. Resp. Henr. Christoph. Dreyer.

5. **Laurent. Heisteri** diss. de summe necessaria inspectione cordis vasorumque majorum sub legali infantum sectione. R. I. Dan. Farenholz.

6. Ioan. Christoph. Andr. Mayeri diss. sistens praecipua experimenta de effectibus putredinis in pulmones infantum ante et post partum mortuorum, subjunctis novis quibusdam experimentis circa pulmones infantum ante partum mortuorum institutis. Resp. I. Godofr. Reimann.

7. Henr. Frider. Delii diss. de sugillatione quatenus infanticidii indicium. Resp. M. Ignat. Berger.

VOL. II.

8. Laurentii Heisteri diss. qua partus tredecimestris pro legitimo habitus proponitur, et simul partni nullum certum tempus in universum tribui posse, ostenditur. Resp. Ioan. Gerard. Wagner.

9. Rud. Augustin. Vogel diss. de partu serotino vadle dubio. Resp. Ioan Christph. Harrer.

10. Ioan. Zachariae Platnerii progr. quo ostenditur medicos de insanis et furiosis audiendos esse.

11. Ioan. Christoph. Pohlii progr. de lethalitate vulnerum lienis.

12. Phil. Conr. Fabricii diss. de lethalitate vulnerum ventriculi secundum principia anatomica et medica expensa. Resp. Aegid Iungen.

13. Petr. Imman. Hartmannia diss. sistens medicam tormentorum aestimationem. Resp. Frider. Adolph. Detleffsen.

VOL. III.

14. Dr. Ernesti Gottl. Bose diss. prior de diagnosi vitae foetus et neogeniti. Resp. Christoph. Godofr. John.

15. Dr. Ern. Gottl. Bose diss. posterior de diagnosi vitae foetus et neogeniti. Resp. Christl. Betke.

16. Dr. Ern. Gottl. Bose progr. de judicio vitae ex neogenito putrido.

17. Ioan. Dan. Reisseissen diss. de veneficio doloso. Aust. et Resp. Ioan Franc. Ehrmann.

18. Ioan. Franc. Ehrmann de veneficio culposo.

VOL. IV.

19. Dr. Ern. Gottl. Bose progr. de diagnosi venemi ingesti et sponte in corpore geniti.

20. Dr. I. Dan. Metzger progr. de veneficio caute dijudocando.

21. Dr. Ern. Gottl. Bose diss. de vulnere per se lethali homicidian non ecusante. Resp. Ioan. Christ. Muller.

22. Dr. Ern. Gottl. Bose progr. de sugillatione in foro caute dijudicanda.

23. Dr. Phil. Conr. Fabricii progr. quo caussae infrequentiae vulnerum lethalium prae minus lethiferis ex fabrica corporis humani anatomica et situ partium praecipue eruuntur.

24. Dr. Ioan. Ern. Hebenstreit progr. de corpore delicti, medici secantis culpa, incerto.

25. Dr. Christ. Gottfried. Gruneri diss. de causis melancholiae et maniae dubiis in mericina forensi caute admittendis. Resp. Martin. Ludov. Wittwerk.

26. Dr. Burchard. Dav. Maucharti dis. de lethalitate per accidens. Resp. Sigism. Palm.

27. Dr. Ioan. Guilelm. Werner diss. qua evincitur, medicinam forensen praeter differentiam, vulnere in absolute lethalia et per accidens distinguentem, nullam prorsus agnoscere. Resp. Dav. Schulz.

28. Dr. **Ioan. Torkos** diss. de renuntiatinoe lethalitatis vulnerum ad certum tempus haud adstringenda.

29. Dr. **Ioan. Bernard. Schnobel** diss. de partu serotino in medicina forensi temere nec affirmando nec negando.

30. Dr. **Ant. Guilelm. Plaz** progr. de sostris.

VOL. V.

31. Dr. **Abrah. Vater** diss. qua valor et sufficientia signorum infantem recens natum vivum aut mortuum editum arguentium ad dijudicandum infanticidium examinatur. Resp. Ioh. Aug. Sussemilch.

32. Dr. **Christ. Frid. Jaeger** diss. sistens observationes de foetibus recens natis, jam in utero mortuis et putridis, cum subjuncta epicrisi. Resp. Theoph. Conr. Christ. Storr.

33. **Ejusd.** diss. qua casus et annotationes ad vitam foetus neogoni dijudicandam facientes proponuntur. Resp. Hercul. Dav. Hennenhofer.

34. Dr.**Andr. Ottomar. Goelicke** specim. quo demonstratur, partum octimestrem vitalem esse et legitimum. Resp. George. Frider Stabel.

35. Dr. **Georg. Aug. Langguth** diss. de foetus ab ipsa conceptione animato, ad art. 123. C. C. C. Resp. Christ. Gottl. Otto.

36. Dr. **Dan. Wilh. Triller** diss. de mirando cordis vulnese post xiv. denum diem lethali. Resp. Ioan Traugott Weitzmann.

VOL. VI.

37. Dr. **Ludov. Henr. Leon. Hilchen** diss. de vulnerum in intestinis lethalitate. Resp. Frider. Ludov. Nitsch.

38. Dr. **Christ. Gottl. Ludwig** progr. de luxatione vertebrarum colli a medico forensi circumspecte disquirenda.

39. Dr. **Petr. Imman. Hartmann** diss. de controversa pulmonum in declarandis infanticidiis aestimatione. Resp. Mich. Orgovany de Fagaras.

40. Dr. **Ioan. Henr. Schulze** diss. qua problema, an umbilici deligatio in nuper natis absolute necessaria fit? in partem negativam resolvitur. Resp. Ioan Car. Dehmel.

41. Dr. **Christ. Ludov. Schhael** diss de funiculi umbilicalis deligatione non absolute necessaria.

42. Dr. **Philipp. Fischer** diss. an deligatio funiculi umbilicalis in neonatis absolute necessaria sit?

43. **Car. Aug. de Bergen** diss. de lethalitate vulnerum hepatis. Resp. Rud. Frider. Riedel.

Silliman. The American Journal of Science and Arts, conducted by Benjamin Silliman, Professor of Chemistry, Mineralogy, &c. Yale College, &c., &c. 6 vols. 8vo. New Haven. (1818 to 1823.)

Smith. The Principles of Forensic Medicine, systematically arranged and applied to Bristish Practice. By John Gordon Smith, M. D. 8vo. pp. 503. London edit. 1821.

Stalpartii Van Der Wiel. Observationum rariorium Medico-Anatomico-Chirurgicarum Centuria prior et posterior. 2 vols. 12mo. Lugruni Batavorum. 1687.

State Trials. A complete collection of State Trials, and Proceedings for High Treason, and other Crimes and Misdemeanors. The fourth edition. With a Preface by Francis Hargrave, Esq. 11 vols. folio. 1766 to 1781. N. B. Emlyn's and Howell's editions of the State Trials have also been consulted, and a few references will be found to each of them.

Struve. A practical Essay on the Art of recovering Suspended Animation, together with a review of the most proper and effectual means to be adopted in cases of imminent danger. Translated from the German of Christian Augustus Struve, M. D. 12mo. Albany, 1803.

Ure. A Dictionary of Chemistry, on the basis of Mr. Nicholson's, &c., by Andrew Ure, M. D., Professor of the Andersonian Institution, Glasgow, &c. First American edition, with Notes by Prof. Hare and Dr. Bache. 2 vols. 8vo. Philadelphia, 1821.

Valentini (Michaelis Bernhardi) Pandectae Medico-Legales, sive Responsa Medico-Forensia, &c., &c. 2 vols. 4to. Francofurti ad Moenum. 1701.

Valentini (M. B. Archiatri Hasso-Darmstatini, Phil. et Med. P. P., &c., &c.) Novellae Medico-Legales, &c., &c. cum Supplemento Pandectrum Medico-Legalium. 4to. Francofurti ad Moenu. 1712.

Zacchias. Pauli ?acchiae, Romani, (totius Status Ecclesiastici Protomedici generalis Questionum Medico-Legalium.) Tomi Tres; olim aucti et emenrati a viro celeberrimo Joh. Daniel Horstio; nunc illustrati, emendati, atque audacti a Georgio Franco, &c., &c. Folio. Francofurti ad Moenum. 1688.

NOTES ON TUBERCULOSIS.

FRANCE AND THE FRENCH COLONIES IN AMERICAN WATERS.

The State Department, under date of August 28th, has sent to the Secretary of the Council the following, which request has been complied with:

Department of State,
Washington, August 28, 1906.

Clark Bell, Esquire,
39 Broadway, New York City.

Sir:—Referring to previous correspondence, I enclose herewith copy of a despatch from the American Charge d'Affaires ad interim at Paris requesting additional copies of the program of the forthcoming session in New York City of the American International Congress on Tuberculosis.

Will you kindly transmit directly to Mr. Vignaud the number of copies asked for and advise the Department accordingly?

I am, Sir,

Your obedient servant,
ALVEY A. ADEE,
Acting Secretary.

Enclosure:
From France, August 17, 1906.

American Embassy,
Paris, August 17th, 1906.

Sir:—Referring to your unnumbered despatch of May 31st, 1906, instructing this Embassy to give its support to the invitation extended by the American International Congress on Tuberculosis to certain French colonies to be officially represented at the next session of the Congress to be held at the City of New York on November 14th, 15th and 16th, 1906, I am informed that the Minister of the Colonies intends to consult the Governors of French Guiana of Guadeloupe, Martinique and St. Pierre and Miquelon on the subject and that he would be pleased to have four more copies of the program of this scientific reunion for that purpose. I therefore have the honor to request that these four copies be sent to me so that I may, through the intermediary of the Foreign Office, have them forwarded at the earliest possible time to the Minister of the Colonies.

I have the honor to be, Sir,

Your obedient servant,
HENRY VIGNAUD.

Hon. Robert Bacon,
Acting Secretary of State, Washington, D. C.

TUBERCULOSIS IN IRELAND.

The Chief Secretary of the Lord Lieutenant of Ireland in response to the question propounded by Mr. Fether-

stonebaugh as to whether the Irish Government had investigated the assumption that the increase of Tuberculosis in Ireland was in any way due to the use of low class American bacon and taken steps to increase safe guards by more vigilance in inspection, Mr. Bryce replied: "The entire question of the importation of food which affects the United Kingdom generally, has been under the consideration of the Government and that the President of the Local Government Board has introduced the Public Health Regulations as to food, which has been set down for a second reading on October 23, 1906.

THE REPORT OF THE ENGLISH ROYAL COMMISSION ON TUBERCULOSIS.

THE COMMUNICABILITY OF BOVINE TUBERCULOSIS TO MAN.

Mr. John Burns has replied to the question presented to the Local Government Board as to when the Report would be issued and whether it was intended to make a definite statement on the communicability to man of Bovine Tuberculosis, submitted by Mr. Field; that the Report will not be issued before October. The delay will be used to continue and confirm details of experimental observations, and that he understands that a definite statement will be made in the Report when completed.

The Governors of Arizona, California, Prince Edward Island, Colorado, Connecticut, Kansas, Missouri, New Jersey, New York, Texas, Virginia, and West Virginia have accepted Honorary Vice Presidencies in the Congress, before the June Medico-Legal Journal was published.

ECUADOR.

The Secretary of the Council announces the receipt from the American State Department of the following letter:

Department of State,
Washington, September 7, 1906.

Clark Bell, Esquire,
Secretary American International Congress on Tuberculosis,
39 Broadway, New York City.

Sir:

I beg to advise you that the Department is in receipt of a dispatch dated the 8th ultimo, from the American Minister to Ecuador, informing it that the Government of Ecuador accepts with gratification the invitation of this Government to participate in the American International Congress on Tuberculosis, to be held next November, and that the delegate will be Dr. Juan B. L. Gagliardo.

I am, Sir,

Your obedient servant,
ROBERT BACON,
Acting Secretary.

THE NETHERLANDS.

The Secretary of the Council announces the receipt of the following communication:

American Legation.
The Hague, Netherlands, August 16, 1906.

Hon. Elihu Root,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your unnumbered instruction, dated May 31st, last, instructing me to inform the Government of the Netherlands of the sympathy of the Government of the United States with the aim and purpose of the American International Congress on Tuberculosis, which is to meet this year at New York, and to which the Government of the Netherland colonies in the West Indies have been invited to send representatives.

In reply, I have the honor to inform you, that in accordance with your instructions, I at once brought the matter before the Netherlands Government in a note, to which a reply has just been received.

1, 2, copies of my note and the reply are enclosed, together 3, with a translation of the letter.

I am, Sir, Your obedient servant,
DAVID J. HILL.

3 enclosures as stated above.

Enclosure No. 1, in Despatch No. 108, of August 16, 1906.
American Legation, The Hague,
Netherlands, July 14, 1906.

To His Excellency Jhr. Mr. D. A. W. van Tets van Goudriaan,
Minister of Foreign Affairs, The Hague.

Sir:

I have the honor to advise Your Excellency that my Government has been informed by the Executive Committee of the American International Congress on Tuberculosis, that they have sent to the Government of each American country, including those of the Netherlands colonies, an invitation for official representation by those Governments in the next session of the Congress, which will be held at the City of New York, during the three days of November 14, 15 and 16, 1906; and further to say that the Department of State has been requested to give such support to the invitation as it properly may.

My Government feels that the sympathy and approval of the Governments of the Netherlands Colonies cannot fail to be enlisted in

the humanitarian aim of this Congress to reach, through discussion by scientific men some result in arresting the spread and, averting, so far as may be possible the ravages of this dreaded disease.

I am therefore instructed to inform Your Excellency that my Government is in entire sympathy with the work of the Congress and would be pleased should the Governments of the Netherlands colonies in America show a like interest in its success by accepting the Committee's invitation and appointing three or more scientific gentlemen to represent each of the Colonies at the Congress. My Government would also be pleased if the Governments named could find it convenient to comply with the request of the Committee to give the matter publicity, in order that it may come to the knowledge of interested organizations and public spirited citizens.

In enclosing herewith a copy of a circular notice relating to the caid Congress, I take this occasion, Mr. Minister, to renew the assurance of my highest consideration.

(Signed) DAVID J. HILL.

TRANSLATION.

Enclosure No. 3 in Despatch No. 108, of August 16th, 1906.

Ministry of Foreign Affairs.
(Consular and Direction).
Commercial).

The Hague, August 15th, 1906.

Mr. Minister:

In reply to Your Excellency's note of the 14th of June, last, No. 67, I have the honor to inform you, that the Government of Surinam and of Curacoa, while having a lively appreciation of the kind invitation of the Government of the United States to be represented at the American Tuberculosis Congress, which will take place this year at New York and of which the purpose has their entire sympathy, nevertheless, regret not to be able to accept, considering the limited number of physicians established within the territories and the scarcity of other persons having made a special study of tuberculosis.

Please accept, Mr. Minister, the renewed assurance of my high consideration.

(Signed) Van Tets van Goudriaan.

His Excellency Mr. Hill,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

The following letters have been received:

Department of State,
Washington, D. C., September 1, 1906.

Clark Bell, Esquire,
Secretary American International Congress on Tuberculosis,
39 Broadway, New York City.

Sir:

I enclose copies, with enclosures, of despatches from the American Ministers to the Netherlands and Denmark trasmitting replies of those governments to the invitations extended by this Government to be represented at the coming American International Congress on Tuberculosis.

I am, Sir,

Your obedient servant,
ALVEY A. ADEE,
Acting Secretary.

Enclosures:
The Netherlands, No. 108, August 16, 1906.
From Denmark, August 20, 1906.

DENMARK.

American Legation,
Copenhagen, August 20, 1906.

To the Honorable Elihu Root,
Secretary of State, Washington.

Sir:

Referring to your unnumbered despatch of May 31st last, touching the approaching session of the American International Congress, and to my letter to the Danish Government in relation thereto, dated June 12th last, I have now to advise you of a reply from the Minister for Foreign Affairs, dated the 16th instant. Passing by the formal parts of the communication, I quote:

"After having discussed this matter with the competent authority, I regret to have to inform you that Denmark does not see itself in a position to name an official representative to the said Congress."

I have the honor to be, Sir,

Your obedient servant,

T. J. O'BRIEN.

SANTO DOMINGO.

Department of State,
Washington, August 18, 1906.

Clark Bell, Esq.,
39 Broadway, New York.

Sir:

The Department is advised by the American Minister at Santo Domingo, under date of 3d instant, that wide publicity will be given to the circular of the Executive Committee of the American International Congress on Tuberculosis, and that if circumstances will permit the Dominican Government will send one or more delegates to attend the meeting of the Congress in November next.

I am, Sir,

Your obedient servant,

ALVEY A. ADEE,
Acting Secretary.

BRITISH COLUMBIA.

The Governor of British Columbia has sent the following letter:

The 22nd of August, 1906.
At Government House,
Victoria, B. C.

Sir:

I am directed by His Honor the Lieutenant-Governor to acknowledge the receipt of your letter of the 13th instant, containing an invitation to be present at the International Congress on Tuberculosis in New York, in November next, His Honor regrets that he

will not be able to attend personally, but has suggested to the Government the advisability of sending a delegate to represent British Columbia.

I have the honor to be, Sir,

Your obedient servant,

H. J. S. MUSKETT,
Private Secretary.

Clark Bell, Esq.,
39 Broadway, New York.

GUATEMALA.

The American State Department has adcised Clark Bell, Secretary of the Council that the Government of Guatmala has nominated Dr. Salvado Cordova, Consul General, New York City, the Guatemalean Representative of the Congress at New York, of November 14-16th, 1906, at the International Congress on Tuberculosis.

The Secretary of the Council announces that Dr. Ramon Bengoechea, Consul General for Guatemala in New York, has been appointed the Government representative for that country.

The following letter has been received from the American Secretary of State:

Department of State,
Washington, September 5, 1906.

Clark Bell, Esquire,
Secretary American International Congress on Tuberculosis,
39 Broadway, New York City.

Sir:

I beg to advise you that the Department is in receipt of a despatch dated the 9th ultimo, from the American Charge d'Affffaires ad interim at Guatemala City, stating that he has been advised by the Guatemalan Minister for Foreign Affairs that Doctor Ramon Bengoechea, Consul General for Guatemala, in New York, has been appointed by the above named Government to represent it at the American International Congress on Tuberculosis, to be held at New York next November.

I am, Sir,

Your obedient servant,

ROBERT BACON,
Acting Secretary.

TEXAS.

The following letter has been received from the State Health Officer of Texas:

Austin, Texas, October 1, 1906.

Hon. Clark Bell,
39 Broadway, New York.

Dear Sir:

Replying to yours of the 25th, in which you state that you have announced me as First Vice President of the International Congress

on Tuberculosis, I beg to advise that I take pleasure in accepting same, and will also accept the appointment as Chairman of the Committee on State and Municipal Sanitoria.

I will make every effort to be present at the next meeting in New York City, in November. I thank you for the honor you have conferred upon me.

Very truly yours,

GEORGE R. TABOR,
State Health Officer.

MEXICO AND THE INTERNATIONAL CONGRESS ON TUBERCULOSIS, OF NEW YORK, NOVEMBER 14, 15 and 16, 1906.

The Secretary of the Council has received the following letter from the State Department, at Washington:

Department of State,
Washington, October 5, 1906.

Clark Bell, Esquire,
39 Broadway, New York.

Sir:

The Department is advised by the American Ambassador at Mexico City, under date of the 20th ultimo, that the Mexican Government will be pleased to send a delegate to the forthcoming American International Congress on Tuberculosis upon the receipt of an invitation from the Executive Committee of the Congress.

In its instruction of May 31st last, the Department advised the Ambassador that the invitation would be sent by the Committee, but it appears that it has not yet been received.

I am, Sir,

Your obedient servant,

ALVEY A. ADEE,
Second Assistant Secretary.

The following reply was sent by the Secretary of the Council:

American International Congress on Tuberculosis.
Office of the Treasurer, 39 Broadway,
New York, October 6, 1906.

Honored Sir:

The Department of State, at Washington, informs me, under date of October 5, 1906, that the Government of Mexico will send delegates to the November Session of this Congress, at the City of New York, if they receive an invitation.

Already two invitations have been sent to you as President of the Republic of Mexico.

I am instructed by the Executive Officers to invite the Government of Mexico to send three delegates, or more, to the New York Congress, November 14, 15 and 16, 1906, and especially to give publicity to the same of which a translation into the Spanish language has recently been sent to the Hon. Senor Mariscal with a request that it be furnished to the Mexican Press.

Hoping to receive delegates from your country, and that men of Science, Jurists, Chemists, Bacteriologists, Physicians and all interested in minimizing the ravages of this dread disease may be in-

fluenced to co-operate in its labors, believe me, Sir, with renewd assurances of our high personal regard and profound admiration for the great service you have done for the Mexican Republic people, I remain,

Ever faithfully yours,

CLARK BELL,
Treasurer and Secdetary of the Council.

To
the Hon.
Porfirio Diaz,
President of the Republic of Mexico,
City of Mexico, Mexico.

P. S. Copies of the Call and Invitation are enclosed, which it is hoped, will reach the Mexican Press and men of Science in all the professions of the Mexican Republic.

The following letter has been received by the Secretary of the Council, from an eminent Jurist:

Albert Lea, Minn., October 15, 1906.

Clark Bell, Esq.,
39 Broadway, New York.
Dear Sir:

I am willing to do what I can to assist in calling the people's attention to this most destructive of all diseases, or act on any committee. Will attend the meeting of our Legislature this coming winter and do what little I may be able to do.

It is astonishing to note the prevalence of Tuberculosis and what little impression it makes upon the general public. It is my opinion there should be published and distributed among the general public annual or semi-annual circulars, informing the people of the exact number dying with this disease.

We know A. died with it today, but forget about it tomorrow. B. dies next week. And so on, without number, yet we do not remember the host that have passed on before. Were the people freely aroused to their danger much would be done, that is now undone.

I expect, in a small way, to talk to the people on some of the issues in the political campaign, and I will call their attention to this plague. If all men that talk to the people were to call attention to this disease, much could be done, and most of them would, if their attention was called to it.

I would like to address the Congress, but I am not competent to treat this subject with justice.

Truly yours,
HEMAN BLACKMER.

OREGON.

The Secretary has received the following letter from the Governor of Oregon:

Salem, Ore., August 28th, 1906.

Dr. M. M. Smith, Secretary,
Austin, Texas.
Dear Sir:

I am just in receipt of an invitation to be present at the opening ceremonies of the American International Congress on Tuberculosis, to be held in New York, November 14th, 1906, and to deliver an address on that occasion.

I thank you very much for the courtesy implied by the invitation and regret exceedingly my inability to be present and to participate in the deliberations of the Congress.

The time was when tuberculosis was considered incurable, but I believe it is the consensus of a more enlightened opinion amongst medical men every where that not only can the disease, in a large number of cases, be cured, but its spread prevented.

I sincerely trust that your Congress may be successful, and such discussions had that the layman, as well as the professional men may be benefitted thereby. I cheerfully accept the invitation to act as one of the honorary Vice Presidents of the Congress, and in compliance with your request, I have appointed eleven delegates, whose names and addresses are as follows:

Dr. C. A. Macrum, Portland, Oregon.
Dr. C. W. Cornelius, Portland, Oregon.
Dr. E. A. Pierce, Portland, Oregon.
Dr. S. E. Josephi, Portland, Oregon.
Dr. E. B. McDaniel, Baker City, Oregon.
Dr. J. H. Wallace, Albany, Oregon.
Dr. W. F. Phy, Hot Lake, Oregon.
Dr. W. G. Cole, Pendleton, Oregon.
Dr. M. C. Strickland, Oregon City, Oregon.
Dr. W. H. Byrd, Salem, Oregon.
Dr. J. N. Smith, Oregon.

I have the honor to remain,

Yours very respectfully,

Governor of Oregon.

ALASKA.

Executive Offices Reynolds Alaska Development Company.
27 State Street,
Boston, Mass., August 18, 1906.

Clark Bell, Esq., Treasurer,
American International Congress on Tuberculosis,
39 Broadway, New York City.

My Dear Sir:

Your communications to me as Governor of Alaska have been forwarded here to this office. I resigned the office of Governor of that District and was relieved by my successor, Wilford B. Hoggatt, on the first of May. I think that Mr. Hoggatt will gladly cooperate with your Society in any way possible for him.

The matter of tuberculosis is a very important one for the natives of Alaska, for many of them are dying with that disease. Our natives have always been a self-suporting people, and are just emerging into our civilized way, and in my annual reports, as Governor, I have advocated the rection of hospitals in which the afflicted ones could be gathered and treated, and that a regular physician be employed to visit the settlements, giving them the necessary instruction upon methods of cleanliness, habits, and how to avoid the contagion.

When the Congress is in session in New York, in November, I hope to be able to attend the meetings. I should like to become acquainted with those who are interested in this great subject, and listen to what they have to say.

Respectfully yours,

JOHN G. BRADY.

DELEGATES NAMED BY SOCIETIES.

Dr. J. B. Murphy, of Chicago, 100 State St., was appointed a delegate to the American International Congress on Tuberculosis at the last meeting of the Western Surgilca and Gynecological Association, at Salt Lake City.

The State Medical Association of Washington, has appointed Dr. J. Sutherland, of Spokane, Wn., a delegate to the International Congress on Tuberculosis, to be held at New York City, November 14, 15 and 16, 1906.

CANADA.

The Secretary of the Congress has received the following letter:

Ottawa, October 25, 1906.

Sir:

I am commanded by His Excellency the Governor General to acknowledge the receipt of your letter of the 29th ulto, in regard to the American International Congress on Tuberculosis, and to inform you that it has been referred to His Excellency's Minister of Agriculture for consideration.

I have the honor to be, Sir,

Your obedient servant,

J. HAULEY WILLIE,
Governor General's Secretary.

Clark Bell, Esq.

HON. JOSEPH H. CHOATE.

Mr. Choate who had been invited to be present at the opening ceremonies, sends the following reply:

Naumkeag, Stockbridge, Mass., Oct. 25, 1906.

Dear Mr. Bell:

Yours of October 22d received. I regret that my engagements elsewhere will prevent my attending the opening exercises of the American International Congress on Tuberculosis in New York, on November 14th. But this Congress has taken charge of a movement of tremendous importance vital to the health of the world and I wish it every possible success.

Yours very truly,

JOSEPH H. CHOATE.

Clark Bell, Esq.

A copy of this Invitation has been sent out by order of the Council to prominent people and the press:

Honored Sir:

Will you attend the Opening Ceremonies of the American International Congress on Tuberculosis in New York, November 14, 15 and 16, 1906, and make an address? If unable to attend, will you prepare a short note expressive of your interest in the aims, purpose and success of the Congress, that can be published in advance.

No one can estimate the power or value of such expressions from men in high official positions.

They encourage those who work, and they stimulate men of the profession to enlist in this conflict so meritorious in its aims and which thus may be brought to all those who desire to take part in such a labor.

As the Congress will meet so soon, may we ask for an early response addressed to the Secretary of the Congress, Dr. M. M. Smith, at Austin, Texas, or Clark Bell, Esq., Secretary of the Council and Treasurer, at 39 Broadway, N. Y.

Respectfully,

F. E. DANIEL, M. D., President,
Austin, Texas.
M. M. SMITH, M. D., Secretary,
Austin, Texas.
CLARK BELL, Esq., Treas. and Sec. of the Council,
39 Broadway, New York.
H. EDWIN LEWIS, M. D., Vice Chairman of Council,
100 William Street, New York.

Please respond early.

Faithfully yours,

CLARK BELL, Secretary of Council.

CONNECTICUT.

State of Connecticut, Executive Department,
Hartford, Conn., October 31, 1906.

Clark Bell, Secretary,
39 Broadway, New York, N. Y.

Sir:

His Excellency Henry Roberts, Governor of Connecticut, has appointed the following named persons to represent the State of Connecticut at the American International Congress on Tuberculosis. to be held in New York City, November 14th, 15th and 16th.

As this State has no appropriation upon which to draw for the expenses of these delegates, their appointment is made with the understanding that they are to bear whatever expense they may incur, and their acceptance of the same is optional:

Prof. Wm. H. Brewer, New Haven; Dr. Elias Pratt, Torrington; Dr. T. D. Crothers, Hartford; Dr. E. K. Root, Hartford; Dr. Fred. B. Downs, Bridgeport; Hon. Stiles Judson, Stratford; Dr. George L. Porter, Bridgeport; Dr. Geo. A. Sheldon, Shelton; Dr. Henry L. Swain, New Haven; Dr. N. E. Wordin, Bridgeport; Dr. Fred. Powers, Westport; Dr. Fred. D. Ruland, Westport.

Yours truly,

EDWARD M. DAY,
Executive Secretary.

NEW MEXICO.

Executive Office.
Santa Fe, New Mexico, October 13, 1906.

Whereas, The American International Congress on Tuberculosis will hold its next session at the City of New York, on November 14, 15 and 16, 1906, and

Whereas, The Governor of New Mexico has been requested to appoint delegates to represent the Territory at said Congress.

Now. Therefore, I, H. J. Hagerman. Governor of the Territory of New Mexico, by virtue of the authority in me vested, do this day appoint the following named persons as delegates to represent New Mexico at the said American International Congress on Tuberculosis:

Dr. E. A. Staab, 85 Madison Avenue, New York City, N. Y.; Dr. Francis F. B. Fest, East Las Vegas, N. M.

Done at the Executive Office this the 15th day of October, A. D. 1906.

Witness my hand and the Great Seal of the Territory of New Mexico. H. J. HAGERMAN. (Seal.)

By the Governor.

J. W. RAYNOLDS,
Secretary of New Mexico.

The following notice has gone to the fellows of the Medico-Legal Society:

MEDICO-LEGAL SOCIETY.

NOVEMBER SESSION, 1906.

To the Fellows of the Medico-Legal Society:

The September and October Meetings of the Society were dispensed with, by vote of the Society, on account of the approaching American International Congress on Tuberculosis, which meets at Hotel Astor, Times Square, November 14th, 15th and 16th proximo.

The Medico-Legal Society has accepted the invitation of that Congress to meet with it in Joint Session, at 10 a. m. of November 14th, 15th and 16th, 1906, two sessions each day, at 10 a. m. and 2 p. m., and members are cordially invited and requested to attend these sessions, during the Congress, with their friends, and ladies are invited to attend.

A Local Committee of arrangements will be organized by this Society, to welcome and receive the delegates to that Congress.

Members who are willing to serve on that Committee will please send their names and addresses to the President.

Delegates from Foreign Governments have been appointed, Governors of States, and public officials of high rank have accepted Honorary Vice Presidents of that body, and will be present.

Members of the Society who would be willing to receive distinguished guests in their homes for the three days of the Congress will please advise the President. Those who would be willing to rent apartments with or without board, at reasonable rates, will please furnish their names and prices of rooms to the President, or to the Committee having in charge the reception of members, delegates and distinguished guests.

Members of this body who wish to contribute papers, take part in the discussions of the subjects, in charge of the Standing Committees of the Congress, on the selcted themes, will send names and addresses to Clark Bell, Esq., Secretary of the Council of the Congress, on the following themes:

1. Preventive Legislation Against Tuberculosis.
2. The Relation of Insanity to Tuberculosis.
3. The Pathology and Bacteriology of Tuberculosis.
4. State and Municipal Sanitoria.
5. Electricity and Light in their Relation to Tuberculosis.

A committee will be named to arrange a Dinner on the evening of the 15th, in honor of the Congress, at the Hotel Astor, at 7 p. m. Members willing to unite in such a function will advise the President, Mr. Clark Bell. the number of seats they will subscribe for, and what sums they will contribute for the expense of the guests' table, and a personal application will be made in aid of the movement. Price of seats $3.50.

The Local Committee of Arrangements, which will be announced, will have in charge the comfort and pleasure of the members of the Congress during the session.

The President and Secretary desires early responses to the notice, so that suitable preparations can be made.

Members or Delegates to the Congress desiring tickets will remit to the Treasurer, Theo. Baab, 39 Broadway, New York.

By order of the President and Executive Officers.

J. R. ABABANELL,
Secretary.
24 Van de Water St., New York,

ANNA W. BLOOMER, M. D.,
Assistant Secretary.
135 W. 64th St., New York,

October 24, 1906.

The following Preliminary Program has been sent out to the members and the press:

The American International Congress on Tuberculosis

—AND—

The Medico-Legal Society of New York,

Will meet in joint session

AT THE HOTEL ASTOR,

Times (Long Acre) Square,

November 14, 15 and 16, 1906.

PRELIMINARY PROGRAMME.

Wednesday, November 14, 1906.

Opening Session—10 O'clock A. M.

ORDER OF OPENING CEREMONIES.

THE AMERICAN INTENATIONAL CONGRESS ON TUBERCULOSIS, F. E. DANIEL, M. D., PRESIDENT, OF AUSTIN, TEXAS.

THE MEDICO-LEGAL SOCIETY, CLARK BELL, ESQ., LL. D., OF NEW YORK, PRESIDENT.

IN JOINT SESSION.

Supported by Distinguished Officers, Public Officials, Delegates and Guests.

1. Addresses of Welcome, by eminent speakers, to be announced in the formal programm; followed by
2. Hon. Clark Bell, Esq., LL. D., President Medico-Legal Society; who will introduce

3. Dr. F. E. Daniel, M. D., President-elect, of Austin, Texas, who will make the Presidential Address, and the Congress formally opened.
4. Short Addresses by Members and Delegates from Foreign Governments, Public Officials and others.
5. Announcement of Standing Committees.
6. Introduction of Resolutions, to be referred without debate to the Committee on Resolutions.
7. Members and Delegates will Enroll and hand in their Certificates for return tickets at reduced rates, sign the roll and leave Addresses with the Secretaries.

FIRST DAY—AFTERNOON SESSION—2 P. M.

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1. Roll Call of Foreign Governments, States, Provinces and Countries, with brief introductions of Representatives and Delegates and reponses. Also States and Territories, Home and Foreign Associations.

Announcement of Standing Committees.

Resolutions. To be referred to Committee on Resolutions without debate.

Members sign roll, deliver their Certificates to Treasurer for return tickets.

THURSDAY, NOVEMBER 15, 1906.

MORNING SESSION 10 A. M.—SECOND DAY.

The Chair will be filled as announced.

The Session will be under the Section on Preventive Legislation, in charge of that Standing Committee, Hon. Clark Bell, Chairman, who will make an address, and present a paper for discussion limited to five minutes on same; Contributions on same theme.

ORDER:

1. Announcements from the Council and Executive Officers.
2. Roll Call of Foreign Governments.
3. Call of States and Territories.
4. Call of Foreign Societies and Foreign Governments.
5. Will hand in their Certificates for reduced rates on return tickets
6. Resolutions.
7. Reading of papers.

THURSDAY, NOVEMBER 15, 1906.

AFTERNOON SESSION—2 P. M.

1. Theme—The Relation of Insanity to Tuberculosis. Under the charge of the Standing Committee. Discussion limited to five minutes.
2. The Pathology and Bacteriology of Tuberculosis. Discussion limited to five minutes.
3. Resolutions.
4. Reading of papers.

THURSDAY, NOVEMBER 15, 1906.

DINNER AT 7 P. M.

A Dinner will be given under the charge of a Dinner Committee to be announced later at Hotel Astor. Members will remit for seats, $3.50 each to Theo. Baab, Treasurer, 39 Broadway, New York.

FRIDAY, NOVEMBER 16, 1906.

MORNING SESSION—10 A. M.—THIRD DAY.

1. State and Municipal Sanatoria. Under charge of Standing Committee, Geo. R. Tabor, State Health Officer, Texas, Chairman. Discussion limited to five minutes.
2. Light and Electricity. Under charge of Standing Committee, Dr. J. Mount Bleyer, of New York City, Chairman.
3. Report of Nominating Committee.
4. Report of Committee on Resolutions.
5. Miscellaneous Business.

AFTERNOON SESSION—2 P. M.—THIRD DAY.

1. Election of Officers for ensuing year.
2. Action on Resolutions.
3. Miscellaneous Business.

NOTICES TO MEMEBRS AND DELEGATES OF THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

If you neglect to get the Certificate for your return ticket, when you buy your ticket, you will not be able to get the return ticket here at the reduced rates. Many don't seem to understand this and forget to ask for the Certificate which entitles them to reduced rates on their return ticket.

There will be a committee named by the Medico-Legal Society to secure rooms for those delegates who desire them at reduced rates. Apply for this at once and the arrangements will be completed before you come, and in time for you to receive the same in advance.

In case you wish to unite in the Dinner, at Hotel Astor, on the 15th, at 7 p. m., please write Mr. Clark Bell, Secretary of the Council, the number of seats you will require. Price $3.50 each.

The Council has instructed the Treasurer to make an appeal for donations, from members and delegates to defray the expense of the Congress. The Congress has no income except the $1.00. Membership fees of $1.00 which is entirely inadequate to meet the contingent expenses for even postage or for clerical aid, or any one item of the expenses.

The publication of the Bulletin is in the hands of that Journal toward which the Treasury of the Congress does not contribute. Except for the payment of such matter as is inserted, that is not received at the request of authors of a paper at the rate of $1.00 per page and $1.50 per page for small type.

Personal contributions have thus far been made by individuals. Three persons have donated $50 each, two have subscribed $25 each, and a few $15, $10 and $5 each. The Treasurer has advanced for actual expenses, on the promise of its being refunded, and considerable sums are requisite to meet expenses that must be met.

He, therefore, calls upon delegates, members and members of the Medico-Legal Society to make smaller contributions of $10, $5, and even less, to aid the Treasurer, which are now needed. Please send the same.

Members who have not remitted for their membership dues of 1905 and 1906, $1.00 each, should at once send it to Clark Bell, Treasurer.

Members or delegates who have not yet enrolled; who have not yet sent in their membership fee; or their enrollment fee, should do so at once, so that they can secure a certificate of membership.

Members or delegates should register as soon as possible after arriving. The Congress meets on the 14th of November, at Hotel Astor, Times Square. Certificates for return tickets should be deposited with Clark Bell, Esq., as early as possible, and the New York address of the delegates furnished. The headquarters of the Congress will be at Hotel Astor, Times Square.

If members or delegates have friends who wish to visit New York the week of the Congress, they could avail themselves of its arrangement for reduced rates, at a cost of only $1.00, by applying for membership, which would entitle the new member to a Certficate for reduced return rates for himself, his wife or members of his family. This would enable any citizen to get the reduced rate.

EDITORIAL.

THE DEMONSTRATION BEFORE THE EMBALMERS' MEETING AT NEW YORK CITY ON AUGUST 9, 1906, AS A MATTER OF ACTUAL FACT THAT THE EMBALMING FLUID ENTERS THE LUNGS IN ARTERIAL EMBALMING BY THE RIGHT BRACHIAL ARTERY.

The late meeting of the Embalmers, in an extended session, in New York City, on Aug. 7, 8, 9 and 10, 1906, was of great interest to the embalmers themselves, who attended in large numbers from all parts of the State, and from the adjoining States of New Jersey, Pennsylvania and New England.

Two sessions were held each day, and lectures and instruction in the art of embalming was given by Prof. H. S. Eckels and Prof. Chas. A. Genung, of Waterloo, a practical embalmer with a large experience extending over many years. The demonstrations and illustrations were made on dead bodies secured for experimental work. The Editor of this Journal attended these meetings on the last two days and its work merits and will no doubt receive the comments of the press, although it was not attended by the public nor the representatives of the press, but mainly by the embalmers themselves, for the great opportunities thus afforded for study, improvement and the acquisition of knowledge. The Editor of this Journal saw the practical work, of the present methods of embalming the dead, by the arterial process by the right brachial artery.

So much interest has been aroused in the public mind over the questions incident to, and connected with the Patrick case; as to the question whether the circulatory system embraced and involved the lungs, that it was thought wise, in the clinical work on the 9th of August to embalm the body secured for that day in precisely the same manner that the body of Rice had been embalmed, and to proceed to an actual demonstration in the presence of the large audience of witnessing, whether the embalming fluid did actually permeate and suffuse the lungs; where the same identical method was employed by the embalmer, as in the case of Patrick, as sworn to by the embalmer in the trial who acted in that case.

The subject was a most fortunate one in all respects for the purpose. Prof. Chas. A. Genung conducted it before the audience.

The method employed made the work a splendid demonstration of an indisputable fact.

There was probably not one undertaker or embalmer in the large audience, that did not know of his own knowledge as a fact, that in all cases of arterial embalming by the right brachial artery, the fluid does enter and permeate the lungs.

It is a matter of constant experience, and a part of the universal knowledge of all embalmers of experience, that the embalming fluid does, in all cases, enter the lungs, and that the embalming of a dead body would be unsuccessful, and a failure without it.

It is not a matter of opinion, it is not even a debatable question. It is not within the realm of expert evidence. It is not a matter of opinion. It is not a medical question. It is not a question with which physicians are at all familiar, and it is quite apparent from this demonstration, that not one medical man in a hundred would have any practical knowledge whatever upon the subject.

The work of Prof. Eckel and Genung was an absolute demonstration of an disputed

1. That in embalming a body by the right brachial artery, as the body of Rice was embalmed, the embalming fluid does and must necessarily enter the lungs.

2. That this is an indisputable fact, within the personal knowledge of every experienced embalmer, and would be recognized universally by every embalmer who understood the subject and business of embalming.

3. That it is a demonstrable fact, about which not the slightest difference of opinion would arise, or could exist among practical embalmers, who were experienced in and familiar with the methods, of properly embalming the bodies of the dead.

4. That physicians, as a rule, have no knowledge of or experience in, or with, the embalming of the bodies of the dead, and very few have seen a dead body embalmed, or are at all familiar with the methods or process of embalming.

5. That the opinion of a physician, who was not shown to have had actual experience in embalming, or to have had experience and knowledge of the methods employed in arterial embalming, would be of no value, nor should it be entitled to any weight, in respect to the actual facts in such a case, that are demonstrated to be actual facts.

6. This demonstration makes it positive and certain that the Medical evidence of Drs. Loomis, Williams and others, in which their opinion was allowed to be stated to the jury, that the embalming fluid did not and could not in such a case enter the lungs, was valueless, because none of them were shown to have been familiar, with or even to have known anything of the actual embalming of the dead, that they were not competent to give an opinion in such a case, and that it was not a question which could be embraced within those; where the medical expert witness was proper or competent.

To further elucidate the question Prof. Genung was requested to state what the facts were, as to the demonstration of the facts occuring on August 9th, and to give his views concerning the questions involved. His reply was as follows:

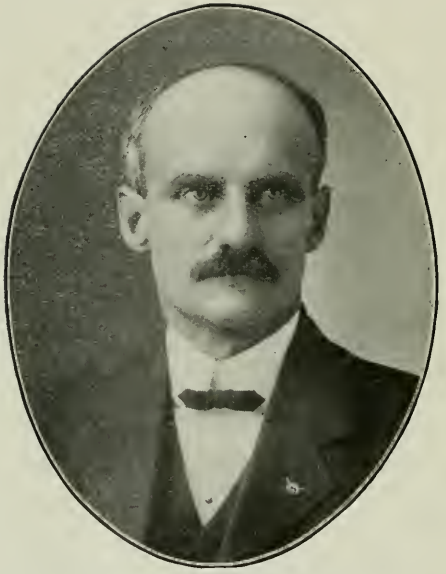
Waterloo, N. Y., August 16, 1906.

Clark Bell, Esq.,
President Medico-Legal Society,
39 Broadway, New York, N. Y.

My Dear Sir:—

The demonstration of embalming the body on Thursday, the 9th inst., in your city, was proposed and done to satisfy those present who were interested, whether embalming fluid, introduced in the right brachial artery of the dead body, would cause a congestion or edema or both in the lungs, as was found to exist in the body of the late millionaire Rice.

The body experimented on was one of about the same general build as was the late Mr. Rice. The embalming was conducted in the same manner as the embalmer who embalmed Rice's body testified he embalmed said Rice's remains. The principal artery of the arm was raised and fluid injected toward the trunk of the body, no blood being removed. Before any fluid was injected, the chest was opened, severing the ribs through the intercostal cartilage, raising the lower end of the frontal bone, causing the frontal bone to hinge at the upper end near the clavicles. The escape of fluid into the chest from arteries, veins and capillaries that had been ruptured by this operation was very little, possibly from two or four ounces, during the injection of two quarts through the artery in the arm. When the steruum or frontal bone was first raised it was apparent to all present that the lungs were in a collapsed condition. As the injection of fluid proceeded, it was noticeable to all that the lungs did fill with fluid, did become congested, and later, when cut into, were found to be thoroughly permeated, with both the blood and fluid that had caused this



CHARLES A. GENUNG, ESQ.,
Skilled Embalmer, Waterloo, New York.

congestion or edema. Even the odor of the embalming fluid could be detected at this incision in the lung tissue. It was very conclusive to every person present at the time of this demonstration, that embalming fluid did enter the lungs and that congestion and edema were caused by the blood of the body or the embalming fluid injected or by both.

I am firmly convinced that it is absolutely impossible to properly embalm a human dead body by the arterial process, using the right brachial artery, (or any other artery of the body,) injecting fluid toward the arch of the aorta, without causing the lungs to become permeated with the embalming fluid so injected.

Should you desire it, I will furnish you additional thoughts along other lines. One thought is, the fumes or odor of chloroform are present or pass from a body that has died during the administration, or one dying before the effects of chloroform have passed away, during the injection of embalming fluid arterially as they are forced from the lungs by the fluid as it enters the lungs. These fumes are noticeable to the embalmer during the time he is working over the body injecting the fluid, or the fumes of chloroform can always be forced from such bodies if pressure is put on the chest walls.

Very truly yours,

CHARLES A. GENUNG.

I have the permission from Prof. H. S. Eckels to make use of his remarks in the

DISCUSSION OF THE SUBJECT OF THE USE OF POISONS IN THE EMBALMING FLUID BEFORE THE MEDICO-LEGAL SOCIETY, AT FEBRUARY MEETING, 1906.

Prof. H. S. Eckels, of Philadelphia, said:

Regarding poisons in embalming fluids, I am thoroughly convinced from my discussion of this subject with many of

the leading undertakers in the United States, that they are very willing to avoid the use of poisons that would interfere with the detection of crime, and as most of these gentlemen are influential in their different state associations, they will be able to influence the less thoughtful men to avoid using any material in their care and preparation of the dead bodies that they embalm; that would aid the criminal, and prevent the authorities from fixing crime upon any who are guilty, and who attempt to hide the crime which they have committed by the aid of the embalmer.

My familiarity with the sale of drugs and poisons by druggists compels me to suggest, that on account of the lax laws existing, we must particularly consider the avoidance of poisons that are so commonly used in crime, and which are easily obtained by irresponsible people on account of their frequent use for household purposes by the lower classes of people. Arsenic is readily obtainable under the pretext that it is for killing rats or mice, also Paris Green, which is an arsenical preparation, for potato bugs or any vermin; also the bi-chlorid of mercury (corrosive sublimate) readily obtainable by any one who makes the statement that they wish to use it for bed bugs and vermin. Therefore, because these poisons are so readily accessible, and also because fatal doses may be administered, without the possibility of detection by the victim until it is too late for their lives to be saved, is largely the reason that these poisons are selected by people who wish to commit such crimes.

As an analytical chemist, being before the Courts in the State of Pennsylvania in this capacity on many occasions during the last five years, I have had occasion to hear and to read reports of poison cases, and it may be interesting for you to know that 70 per cent. of the poison cases since the time of Louis XIII.'s reign in France, have been by women poisoning their husbands, and that in 96 per cent. of these cases arsenic and corrosive sublimate, have been the

poisons selected by the guilty parties. It is also a fact that medical analysis, even though it is proved positively by the most careful tests, has failed to secure conviction of the guilty in every one, excepting one instance, where the body had been embalmed with embalming fluid to the time that the autopsy was made and the parts of the body given to the chemist for analysis, and in this instance, it was proven by equally careful analysis that the embalming fluid that was injected into the body was free from arsenic and from corrosive sublimate.

My conclusions therefore are that when the undertaker realizes how far he becomes a party to crime, where a victim has lost his life by poison, and when he injects embalming fluid into said body, which contains an inorganic poison, he does by this act interfere with the detection of the crime to an extent, that he becomes a particeps criminis.

Arsenic and corrosive sublimate are not essential to the formula as ingredients, in the manufacture of the best embalming fluid. Please consider that arsenic has a very low standard of disinfection in the list of Hygienic Chemistry; that bi-chlorid of mercury is a corrosive, chemical poison that acts readily upon other substances, transforming them wholly or in part into insoluble, and therefore inert compounds, and are in consequence of no value to the embalmer; that arsenic and corrosive sublimate both have been used in embalming fluid rather from ignorance than from any tested knowledge as to their benefit therein, and therefore every conscientious and scrupulous undertaker should be, and I am sure is, willing to abandon their use.

DISCUSSION.

I have the permission of C. A. Genung to make use of his remarks ,at the discussion before the Medico-Legal Society,

at the February Meeting, 1906, in discussing the views of Prof. H. S. Eckels and others.

Mr. Genung sent the following as his remarks:

The experience of twenty years as an embalmer convinces me that the thoughts expressed by Prof. Eckels are true.

A chemical analysis may detect poisons when they are present in the organs of a dead body, but no chemist or scientist living can positively decide whether they caused the death or were introduced by the embalmer. This being true, no embalming fluid containing poisons should be allowed to be used. A human body can be successfully embalmed and disinfected without using a fluid containing any poisons. Prof. Eckels' assertion that it could, is well founded.

I am of the opinion that the majority of undertakers and embalmers will be ready and willing to discontinue using fluids containing poisons as soon as they are convinced, 1st, that the use of poison in embalming fluids prevents the detection of crime and, 2d, that a good non-poisonous embalming fluid that is at the same time a good disinfectant is compounded, and will accomplish as positive disinfection as any old line poisonous fluid.

Formaldehyde is admitted to be one of the best disinfectants known to science, and no matter how much was introduced in a body after death through the arteries or directly into the cavities, it would not prevent a correct analysis of any other chemicals found in the viscera.

That non-poisonous disinfectants are prepared or compounded is evidenced by the medical profession of this age, as the poisonous disinfectants used so commonly by them years ago have been almost altogether abandoned and non-poisonous ones are used in their stead.

C. A. GENUNG,
Waterloo, N. Y.

Prof. H. S. Eckels was requested by the writer to state his views and remarks on the demonstration made in New York on August 9th, and makes the following statement:

THE PATRICK CASE.

August 9, 1906.

Hon. Clark Bell,
39 Broadway, New York City.

Dear Sir:—

At a large gathering of prominent undertakers and embalmers, held in the undertaking parlors of Frank E. Campbell, 241 West 23rd Street, a practical demonstration of embalming was performed for the purpose of removing the slightest doubt in the minds of those present who had never witnessed a similar demonstration, i. e. that the injection of embalming fluid into the brachial artery, having the sternum bone removed and the dissection of the cardiac sac and pleura, exposing to view the heart, lungs, and great blood vessels of these organs. The subject demonstrated upon was a man apparently about sixty years of age, height, five feet, nine inches, weight 160 pounds, dead about three hours when embalmed, and the fluid injected into the right brachial artery. At the time dissection was made and previous to any injection of fluid, the lung tissue was collapsed and the heart and lungs, which in normal condition (living) entirely fill up the thoracic cavity, in this case, as indeed is found in the majority immediately upon dissection, the organs of the thoracic cavity did not more than fill two-thirds of the space, a condition which is likely to exist in all dead bodies after the air is expirated from the lungs and before rigor mortis forces by the muscular contraction the blood from the capillaries and smaller veins, into the organs of the upper trunk of the body.

On injecting embalming fluid into the brachial artery towards the heart, the auxillary artery first filled, next the sub-clavian artery filled with fluid, next the innominate artery and finally the aorta, all of these arteries being expanded by the injection of the first six ounces of embalming fluid. Continued injection of embalming fluid filled the branches and sub-branches of these arteries, finally circulating through the capillaries, forcing the blood from the tissue into the veins and returning the same to the superior vena cava which was expanded to its full size by the time a quart of fluid had been injected. Tapping this large vein at this time showed its contents to be principally blood. Continuing the injection until two quarts of fluid were injected into the brachial artery, showed a distension of the blood vessels of the pulmonary circulation and of the lung tissue. A transverse incision of the lungs showed much congestion, and by compression upon this tissue, blood tainted by the odor of embalming fluid was forced therefrom. Tapping the pulmonary artery, blood mixed with embalming fluid was obtained, showing conclusively that the blood being collected by the arterial circulation into the superior vena cava, was forced through the right auricle of the heart to the right ventdicle of the heart and from thence through the pulmonary artery to the lungs, and later as the injection was continued, was found fluid mixed with this blood, in some proportion, which with the congestion of the lungs would produce an oedematous condition of them as well.

I have performed this operation before many gatherings of undertakers which have occurred in different states of the United States, and these audiences have all been like these who witnessed the demonstration in New York August 9th, convinced, beyond the question of a doubt that arterial injection of a half gallon of fluid into the right brachial artery when this fluid was injected towards

the heart, would by this injection force the blood from the capillaries into the veins and through the right side of the heart to the lung tissue, congesting same with blood, as well as conveying fluid by this circulation to the lungs.

Yours very truly,

H. S. ECKLES.

STATEMENT OF FRANK E. CAMPBELL, AN EXPERIENCED EMBALMER.

Mr. Campbell is at the head of the Frank Campbell Burial and Cremation Co., which he has founded and brought into great prominence.

He is the President of the Stephen Merritt Embalming Institute. His establishment is one of the most prominent and best equipped in the City of New York. He has given the scientific side of his profession, as an embalmer, special study, and he is one of the foremost and most progressive men in his profession. He is as a member of the Medico-Legal Society deeply interested in the work undertaken by that body, to unite the great body of embalmers and funeral directors in creating a general consensus of opinion in favor of the elimination of poisons fatal to human life from use throughout the land by general agreement.

I have asked him to contribute his views on the general subject and to speak particularly of the demonstration of August 9th, which he witnessed. This is his reply:

New York, Sept. 1, 1906.

Hon. Clark Bell, Esq., LL. D.,

President of the Medico-Legal Society,

39 Broadway, New York.

Dear Sir:—

Answering your inquiries respecting the action of embalming fluid on the lungs in arterial embalming, I take pleasure in saying, that having given much thought, to the subject of scientific embalming, for the proper preservation of the dead, to prevent the spread of disease, and to improve the appearance of the embalmed, for funeral purposes; and

FRANK E. CAMPBELL,
An Experienced Embalmer,
241 West 23d Street, New York City.

having made careful study of the art of embalming, as it is my profession, to care for the dead, having been engaged in this profession so long, I have had very unusual opportunities of making scientific investigations and tests upon the theory of embalming. Having this experience, I am therefore fully qualified and able to understand clearly, regarding the circulation of embalming fluid as injected into the right brachial artery, and know both by the theory, and from the practice of the same, that the fluid would pass through the axillary artery, sub-clavian artery, the innominate artery to the arch of the aorta, and filling the aorta and yielding at the semi-lunar valves of the heart and from the aorta, through its branches and sub-branches, this fluid would force the blood through the capillaries, and into the veins, which is the course of natural circulation; would return into the right side of the heart, first going into the right auricle from thence into the right ventricle, through the tricuspid valve, from the right ventricle through the pulmonary arteries, passing beyond the semi-lunar valve in this artery and collect in the lung tissue, and that if this embalming fluid is injected in sufficient quantity, embalming fluid in addition to the blood forced into the lungs would remain there causing a congestion and an oedematious condition.

I witnessed an operation of embalming on August 9th in my establishment with many other undertakers whom we invited there for the purpose of discussing scientific problems in embalming, these operations having been performed by Prof. H. S. Eckels, of Philadelphia, and Prof. Chas. A. Genung, Waterloo, N. Y. The body that was demonstrated upon was of about the same size and general condition as was the body of William M. Rice, according to the description given by the witnesses who have testified in this case. With this subject, the fluid was injected into the right brachial artery, the lungs and heart were exposed to view, and I carefully observed the filling of the blood vessels as

the injection continued. I also saw that the tissues of the lungs became expanded by the further injection of the fluid and made close observation upon the appearance of the lungs after the injection of a half a gallon of fluid into the brachial artery and found that a congestion of blood in the lungs had been produced and that upon a close examination the odor of embalming fluid was readily perceptible therein.

This operation was before a large audience of practical embalmers. It was a complete demonstration of an actual fact, that the fluid did enter and permeate the lungs and was not a matter of opinion, or that permitted an expression of opinion. It was a demonstration.

I believe that there are over twenty thousand undertakers and embalmers in the United States who are accustomed to doing arterial embalming, and who depend upon the preservation of the lung tissue, as well as the preservation of all of the body, upon the fluid injected into the brachial artery. I assure you that we have found this to be so, in bodies that I have prepared for burial in our City and for shipment to other parts of the world, and I have received many testimonials as to the perfect preservation and good appearance and condition of these bodies.

Yours very truly,

FRANK E. CAMPBELL.

PATRICK'S PREDICAMENT.

THE INDISCRETION OF J. T. MILLIKEN, HIS BROTHER-IN-LAW, SHOULD NOT FALL ON PATRICK'S HEAD.

Governor Higgins was waited on by the partner of J. T. Milliken, the brother-in-law of Patrick, with a petition signed by 3,200 physicians from all over the State asking that the Governor appoint a Committee of Physicians and refer the medical questions to that Committee.

Governor Higgins is reported in the New York Herald as having made the following statement in declining their request:

"I told the gentlemen that I knew of no authority I had to appoint the desired Commission.

They promised to send me citation from a law of 1887 signed by Governor Hill conferring the needed authority.

I told them that if an application for clemency were made for Patrick it would bring the matter properly before me. While they did not file a formal application for pardon they said one would be filed shortly. I do not know what action I shall take until the legal phase of the case has been investigated by Mr. Hufcutt, my legal adviser.

The gentlemen freely acknowledged that the application in Patrick's behalf now pending in the United States Supreme Court, had been taken solely for the purpose of delay, and that they looked for no permanent relief from that source. I have made a full and frank statement of the case as now before me. It is one of the most important matters of which I have to dispose."

The whole movement of Mr. Milliken in making such a request of the Governor has been unwise, indiscreet and in every way dangerous and will do Patrick's case irreparable mischief. It was made without Mr. Patrick's authority or knowledge. One of Milliken's employees, acting as Mr. Milliken, explained to this Journal, in a clerical capacity only, was so inflated that he claimed to act as attorney for Mr. Patrick. He was neither attorney for Patrick nor legal adviser, but the clerk of a prominent lawyer with more imprudence than brains and having an ambition to appear as counsel in the case.

The statement made by Mr. Milliken's representative, Mr. F. G. Logan, of Chicago, his business partner, that the motion was made in the Federal Court solely for the purpose of delay, is a terrible blow to Mr. Patrick and his Counsel, Senator Lindsley.

That case has been prepared for argument with the greatest care. The statement cannot be true in fact and it is certain that neither Mr. Patrick nor Senator Lindsley will acquiesce in it.

Such a statement does not strengthen their position and it does infinite harm to Patrick and his chance in the Court. It will be incredible if Mr. Milliken himself acquiesces in its truth.

We believe that neither Patrick, nor his Counsel, Senator Lindsley, were consulted by Mr. Milliken as to his action, and that, if either of them ever speak on the subject, that they will say so.

That the truth will appear that Mr. Milliken's action and his damaging admissions were wholly unauthorized and his action without any consultation with or authority from Mr. Patrick or his Counsel, Senator Lindsley.

The Medico-Legal Society have asked the Governor to act on the application for Patrick's pardon filed by them, January, 1906, which was suspended by the stay of proceedings before Recorder Goff, and later by the stay granted by Mr. Justice Day in the Federal Court.

The issue in the Federal Court is the case on the record which was before the Court of Appeals.

The issue before the Governor is narrowed down to a single question: "Did the embalming fluid enter the lungs of Rice?"

That question is not a medical question at all.

The embalmers of the country have demonstrated it to be a pure and simple question of fact, within the knowledge and daily experience of every competent embalmer, and an undisputed question that it does.

That it in no way depends on the opinion of medical men. That physicians as a rule have no actual or practical knowledge of that subject.

This phase of the case was not before the trial Court. The undisputed medical evidence on the trial was, that the

embalming fluid did not and could not enter and permeate the lungs.

If the Governor will take up the case now on the only question, one of fact, and not of opinion, and call to his aid wise and competent men, and not physicians, the innocence of Patrick will be demonstrated beyond a doubt, or question.

On August 9th, in New York City, the embalmers embalmed a body in the same manner, that Rice's body was shown to have been embalmed, in the presence of a large audience of embalmers and scientists and the embalming fluid entered the lungs in the presence of the whole audience. It was seen and witnessed by all.

It was an absolute demonstration.

The President of the Medico-Legal Society will provide for the embalming of a body in the same manner that Rice's body was embalmed, in the presence of the Governor, or any Committee he names, and make ocular proof of the fact that the embalming fluid enters, permeates and suffuses the lungs.

It does not require the opinions of medical expert witnesses. It is an actual and demonstrable fact.

Governor Higgins should not hold Patrick responsible for the action of Mr. Milliken nor of Mr. Milliken's employees.

Both the hands and the tongue of Mr. Patrick were tied. He did not want to offend Milliken, nor to criticise those indiscreet persons, who take the reins in their own hands in matters like this where life and death are at stake.

Mr. Patrick's innocence will appear in due time.

It is to be hoped that Mr. Milliken if he continues to act in this case will have a proper sense of what is fit and proper to be done and certainly nothing without due conference with Mr. Patrick or his Counsel, and their consent.

It was therefore decided to press for the pardon of Mr. Patrick, and the following was prepared:

THE CASE OF ALBERT T. PATRICK.

APPLICATION FOR PARDON RENEWED.

New York, September 28th, 1906.

To the Fellows of the Medico-Legal Society:

I enclose to you a petition to the Governor of the State for the pardon of Patrick, now under sentence of death, acting by order of the Executive Committee.

As Patrick is sentenced to be executed, the petition for his pardon should reach the Governor at an early day. Please sign and return the petitions and obtain signatures of others.

Duplicate petitions will be sent, so that names can be obtained later after those sent first.

A copy of the appeal to the Governor will be mailed to you shortly, and the papers accompanying the same will appear in the Journal.

The Report of the Select Committee was unanimous, that the death of Mr. Rice was due to natural causes and not to chloroform administered in the manner testified to by the Witness Jones, and this report based on a full examination of all the evidence in the case, was unanimously approved after a full discussion by the Society.

Action was suspended by the action of the authorities in sending the case before Mr. Recorder Goff, which resulted adversely, because the real questions at issue and the facts in the case were not before the Court that tried Patrick, nor the Court of Appeals, and were not a part of the record before that Court, nor can they be before the Federal Court, in the pending proceeding under the stay granted by Mr. Justice Day.

These and other circumstances have occurred, that made it seem proper for the Governor in denying an application for the appointment of a Medical Committee to examine into the case, to suggest that the proper remedy was an application for pardon, which the Society had anticipated and made January 8, 1906, and which it is now thought proper and wise to renew.

The innocence of Patrick is no longer questionable, or in doubt.

The fact that the embalming fluid did and must have entered and permeated the lungs of Rice has been demonstrated on the 9th of August, and the unanimous Report of our Committee placed outside all doubt or question.

The time has now come to proceed before the Governor for pardon, as it is clear that he is innocent of the crime for which he was tried, convicted and sentenced to death. We invite the co-operation of all good citizens to second the efforts of the Medico-Legal Society for his pardon.

Very faithfully yours,

CLARK BELL,
President Medico-Legal Society.

PETITION FOR THE PARDON OF PATRICK.

To the Honorable Frank W. Higgins,
Governor of the State of New York.

The undersigned members of the Medico-Legal Society, and others of like mind believing, that

1. The death of Mr. Rice was due to natural causes, as certified by his attending physician, a man of high standing in his profession and of unblemished character, and

2. That the death of Rice was not due to chloroform, nor to any administration of it in the manned described by the Witness Jones, and

3. That Alfred T. Patrick is not guilty of the crime for which he was indicted and tried of the killing of Rice, and that he is wholly innocent of the alleged crime for which he has been tried, convicted and sentenced to death, we appeal to you to pardon Mr. Patrick and prevent the execution of a man by process of law for a crime which re did not commit. And we pray that if you are in doubt as to the guilt of Patrick, that you commute his sentence to such a time, as will enable you to make a thorough examination into the evidence and all the facts, which will convince you of the innocence of the condemned and save the State from the disgrace of shedding innocent blood by Patrick's death.

September 29th, 1906.

Names. Residence.

Please sign this petition and have it signed by men and women near you and return it to Clark Bell, Esq., 39 Broadway, New York. Then enclose the Duplicate sent you to some one who will circulate it at once and return it with the signatures to Clark Bell, President Medico-Legal Society, 39 Broadway, New York City, by and before the 15th following instant.

To be sure of our ground with the Governor, the following letter was sent him:

MEDICO-LEGAL SOCIETY,

OFFICE OF THE PRESIDENT, No. 39 BROADWAY,

NEW YORK, October 19, 1906.

HONORED SIR:—

In the case of Patrick the Medico-Legal Society filed an application for his pardon in its own name at the beginning of the year, not at his instance, nor as his Attorney or Counsel, but in the interest of truth and justice based on the assumption of his innocence from the Report of a carefully selected and competent Committee of its members, based on a careful examination of the entire evidence in the case as shown by the record used before the Court of Appeals, approved by the unaminous action of the Society, which was accompanied by about one thousand names then filed with you and now remaining with you.

The action you took in remitting his sentence and extending his time to enable a motion to be made before Recorder Goff, made it incumbent on that Society, to suspend all action on that application until the decision of that action which we did.

The result of that application being fruitless we prepared to renew the work on the application for pardon when the prisoner moved with new Counsel before Mr. Justice Day for a stay to enable an application to be made before the Federal Court which, is still pending, the application being made by Senator Lindsley, in wh ch Mr. Patrick for the first time came into the case in the preparation of the Briefs, with Senator Lindsley as his Counsel. Our Management in the Medico-Legal Society decided that notwithstanding the innocense of Mr. Patrick had been demonstrate l on August 9, 1906, in New York by facts dehors the record in the New York Court of Appeals, and outside the record that will come before the Federal Court on Senator Lindsley's action to take no steps on the application for pardon until after the decision of the Federal Court on the pending motion.

At this junctur e a most extraordinary and unprecedented complication arose.

The brother-in-law of Mr. Patrick, without the knowledge of Patrick or of Senator Lindsley, and without the slightest authority from Patrick employed a lawyer's clerk in New York to prepare an application to be made to Physicians asking you to name a medical commission to take charge of the case and make a request to you to name such a commission for such a purpose.

You very properly refused to have such a commission for such a purpose and denied the application.

In doing so you stated to the public Press as quoted from the Hearld, what had occurred and what you had said in denying the request, and you also said that the employees of Mr. Mil iken had stated to you, as if by authority of Mr. Parrick, that the application to the Federal Court was made only for the purpose of delay and that they had no hope of its success, and the young lawyer's clerk had seized the occasion to sign the application with his own name and address, and had adroitly used his name as the Attorney and Counsel of Mr. Patrick in this proceeding; and you are quoted is saying that you could only take up the consideration of the q estion by a direct application for his pardon.

The facts were that Patrick and Senator Lindsley were wholly ignorant of the action That the enterprising young lawyer was not the Attorney of Patrick, and had not been his Attorney, and his conduct was wholly without auth rity from Patrick and without the apparent consciousnes that the statement that the application in the Federal Court, was made for the purposes of delay, was a fatal blow to Mr. Patrick's chances in the Federal Court or anywhere else.

I then wrote you of our intentions and willingness to resume our circulat on of the petition if you were willing to take up the consideration of such an applicati n no v, which you advised me and the public Press you were holding under consideration.

I can assure you on the highest authority that Mr. Patrick and his Counsel had made an el borate preparation for the bearing in the Federal Court.

That it was calumny for Mr. Millikin's employees to make the statements they did before you

That they had not the slighest authority from Mr. Patrick, or his wife, to claim that either of them was the ally of Mr. Patrick, and I ask your Excellency to dismiss from your mind the grave and dishonorable conduct ch rged against Patrick by these employees of Mr. Milliken, who, if he ever speaks, will doubtless, concede that he never authorized such an entirely unnecessary and useless concession and damaging statement to be made.

The Medico-Legal Society will, when the time comes, resume the work for the unconstitutional rele se of Patrick now, because his innocence is now absolutely demonstrated by scientific demonstration.

The course taken by Mr. Patrick in his recent letter to you is manly, dignified and the most conclusive and effectual repudiation of Mr. Milli.

ken's indiscrete and indefensible course. Mr. Patrick should rise in your estimation. His act is a splendid repudiation of the scandulous allegation against his integrity and that of his Attorney and Counsel, Senator Lindsley.

If you wish to wait until the decision of the Federal Court on the pending action, which may succeed, and then take up the question of his absolute discharge which this Society will resume, we shall suspend action, but if you are willing as the Herald quoted your language, to now consider the matter, we shall agree to lay before you ten thousand names in ten days for his full pardon because innocent and satisfy you, of the fact of his innocence.

The Report of the Committee on Embalming named at the June meeting of the Medico-Legal Society will now shortly be completed. That Committee is at the moment widely separated.

The evidence, action and literature has to go to its members; none of its work recently done was before the Court of Appeals. It seems impossible that it could reach the Federal Court as it is not in that record, but is beyond all doubt, or even question. The innocence of Mr. Patrick of the crime for which he was convicted on the trial and sentenced is as clear as the sunlight.

I have the honor to advise you that the Medico-Legal Society will await your conclusion as to whether you will take up the consideration of his pardon now pending the decision upon the action in which the stay was granted to Mr. Justice Day.

I can and will send you shortly the carefully prepared evidence on the question of embalming shortly as soon as it is in type.

I have the honor to remain with high regard

Yours very faithfully, CLARK BELL,

To the Hon. Francis W. Higgins, President Medico-Legal Society.
Governor of New York, Albany, N. Y.

The following reply from the Executive of New York has been received, on which we decided to suspend our work on the application for the pardon of Mr. Patrick until after the decision of that motion, and we trust that the Federal Court will take the view of the case on the Record used in the Court of Appeals, of the dissenting Judges so ably reasoned by Mr. Justice D. J. O'Brien and his colleagues of the Court of Appeals and render our resumption of the labor unnecessary.

State of New York, Executive Chamber, Albany, October 28, 1906.
Dr. Clark Bell, 39 Broadway, New York City.

Dear Sir:—Referring to yours of October 19th, addressed to Governor Higgins, I am instructed to say that it is not the intention of the Governor to take any action in the Patrick case pending the hearing upon it in the Supreme Court of the United States.

Very truly yours,

E. E. HUFFCUT,
Counsel for the Governor.

The Society will now suspend its action on the application for pardon, until the motion in the Federal Court is decided.

PARDON OF PATRICK.

The following correspondence explains the present situation of this postponement of Action in this interesting case:

Medico-Legal Society, No. 39 Broadway,
New York, October 24, 1906

To the Fellows and Members of the Medico-Legal Society and to the Public:

The statement published in the New York Herald on turning down the application of Mr. J. T. Milliken for the appointment of a Medical Committee in the Patrick case that the application for pardon could only come before him properly by formal application, made it seem proper to resume our work for full pardon in this case on the original papers filed with the Governor in January last when 1000 signatures were presented to the Governor obtained in 48 hours by the Society, which had been suspended by the stay on the motion made before Mr. Recorder Goff.

That petition and a brief appeal were prepared and advance sheets sent to a few of our friends and Journals interested from our advance sheets of our delayed current number.

To be sure of our ground I wrote the Governor for his approval of our action in case he was willing to take up the consideratian of the Patrick case pending the motion on the stay in the Federal Court, which we had supposed improbable.

Governor Higgins has been kind enough to advise us of his action through his private Counsel, a copy of which I enclose.

In case the petitions have reached our friends or the Public Press we ask that all action be suspended until further notice.

Very faithfully yours,
CLARK BELL, President Medico-Legal Society.

State of New York, Executive Chamber, Albany, October 23, 1906.

Dr. Clark Bell, 39 Broadway, New York City,

Dear Sir:—Referring to yours of October 19th, addressed to Governor Higgins, I am instructed to say that it is not the intention of the Governor to take any action in the Patrick case pending the hearing upon it in the Supreme Court of the United States.

Very truly yours,
E. E HUFFCUT, Counsel for the Governor.

GOVERNOR HIGGINS' DILEMMA IN THE PATRICK CASE.

A brother-in-law of Mr. Patrick, who has more money than common sense has, as it seems, employed a prominent lawyer's clerk to circulate a petition among the physicians of the State who, of course, believe in the innocence of Patrick, addressed to the Governor of the State, asking him to appoint a Committee of Physicians and to refer the case to them. Now, that the Court of Appeals has refused

to grant him a new trial, and that Mr. Recorder Goff has denied a similar motion for relief after a long trial in which the medical witnesses had, three or four on a side, sworn to exactly conflicting statements, as to what has become of the crucial question in the case, "Did the embalming fluid enter the lungs of Rice when embalmed by the arterial method through the right brachial artery."

It now appears that not one in a hundred physicians knows anything practically or actually about embalming at all, and they are, as a rule, unqualified and incompetent to give an opinion on embalming, because they never embalmed a body in this way, nor have they, as a rule, ever seen one thus embalmed.

The embalmers, on Aug. 9th last, at the New York meeting, gave a great demonstration and embalmed a body only dead six hours exactly as Rice's body was shown to have been embalmed, before a large audience of embalmers and scientists, and all saw the embalming fluid enter the lungs, so that it was shown by actual demonstration that it was an actual fact and not a question upon which medical expert opinion would be either proper or competent.

Mr. J. T. Milliken is entitled to the credit of proposing this plan to Governor Higgins, and of having the petition circulated, but did not use his own name in the matter, but had the lawyer's clerk sign his own name to the written request as mover, not Mr. Milliken's name, nor Mr. Patrick's name as his attorney.

The Governor states that the representative of Mr. Milliken stated and conceded that the motion now pending in the Federal Court under the stay granted by Mr. Justice Day, was only made as a pretext to gain time, and yet the Governor was impressed with the seriousness of the situation, and advised the gentlemen that the proper way to bring up the question was on an application for a pardon for Patrick.

The Medico-Legal Society filed a petition with the Governor for Patrick's pardon with 1000 signatures obtained in 36 hours, which would have been 10,000 in a week had not the Governor extended the time by a reprieve to enable a motion to be made before Recorder Goff, in which this same brother-in-law (Milliken), brought from Texas a group of witnesses that scandalized Patrick, and his friends and nearly shipwrecked his case.

It is only due to the cause of justice that it should be known that it was Mr. Milliken's money that paid for the lawyers who moved before Recorder Goff, and who brought such odium on Patrick by the Texas witnesses.

That Mr. Patrick was not consulted by Milliken in that proceeding, nor was he, nor Senator Lindsley, as to this extraordinary proceeding before the Governor of New York. It was the height of impudence and folly for these gentlemen to state that the proceeding now pending in the Federal Court was brought merely to gain time; and a most serious charge to make against Patrick and his Counsel, Senator Lindsley.

If any man in this world had a right to beat his breast in despair and cry, "God save me from my so-called friends!" it is Patrick in this terrible emergency.

He is between the devil and the deep sea.

It is a calumny for Milliken's employees to make such a statement as to the bona fides of the Federal Court action.

The preparation for the argument of that motion has been made complete and thorough. It is one in which Mr. Patrick has himself taken a part actively for the first time in all these motions.

The District Attorney of New York is not in the case at Washington. None of the enormous sums of money expended by the Trustees of Rice's estate in securing the conviction of Patrick will cut any figure at all in the Federal Court, nor help. While the actual crucial question that will in the end clear Patrick, was not before the Court, on the

trial; nor before the New York Court of Appeals, and is not on the record that will reach the Federal Court; there are still all the points that were marshalled by Justice O'Brien with such wonderful force and skill in the dissenting opinion in the Court of Appeals and they must be considered in the Federal Court.

On the merits the Federal Court may regard the case as Mr. Justice O'Brien did, and those who voted with him, the Chief Justice and another Judge of that Court.

The Medico-Legal Society who then filed their application for Patrick's pardon have now offered if the Governor will permit them to resume this work, that they will undertake to place 10,000 additional names on their petition to the first 1000 that came back inside of 48 hours from the moment it was first mailed to the members.

The Governor was asked by that body to select his own advisers, but not to appoint a Committee of Physicians, and it is urged that under all the circumstances in this case the Governor should at once pardon Patrick, as his innocence has been demonstrated by the embalmers and thus put an end to the anxiety and suspense now in the public mind.

The fact that 3,000 physicians would sign such an application not asked for by Patrick himself, nor his Counsel, not requested by a medical body, or by medical men of prominence, must speak in strong terms to the Governor that the belief in the innocence of Patrick is substantially unanimous in the public mind, of the crime for which he was convicted and sentenced to death.

While the Governor was hesitating whether to consider the advisability of proceeding now on the application of last January, presented by the Medico-Legal Society, pending the hearing and decision of the motion made thereon, the Medico-Legal Society, who are anxious and ready to submit the facts in the case, felt unwilling to proceed, except with the assurance of the Governor that he would now consider a renewal and a large number of additional signers, a letter was prepared and sent and the issue of the Journal held back to obtain the reply for the current number.*

*See page 336.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS AT NEW YORK, NOVEMBER 14, 15 and 16, 1906.

The Management makes the following announcements.

The following letter has been received from the Secretary of State:

Department of State,
Washington, August 24, 1906.

Clark Bell, Esquire,
39 Broadway, New York.

Sir:—The Department is advised by the Legation at Buenos Ayres that the Argentine Government will be represented by delegates at the American International Congress on Tuberculosis, to be held at New York in November next, and that it will endeavor to spread information concerning the Congress throughout the Republic.

I am, Sir,

Your obedient servant,

ROBERT BACON,
Acting Secretary.

PROVINE OF QUEBEC.

The Provincial Secretary sends the following announcement to the Secretary of the Council:

Provincial Secretary's Office,
Quebec, 20 August, 1906.

Sir:—I have the honor to acknowledge receipt of your request of the 13th instant inviting to send delegates to the Congress of the American International Congress on Tuberculosis, at New York on November 14, 15 and 16, 1906, and to inform you that the matter, to which it refers, will receive consideration.

I have the honor to be, Sir,

Your most obedient servant,

JOS. DUMONT,
Act. Deputy Provincial Secretary.

Mr. Clark Bell,
Treasurer and Secretary of Council,
39 Broadway, New York.

SAN DOMINGO.

The Department of State advises the Secretary of the Council that information from the American Minister there has reached our Government that San Domingo will send delegates to the Congress in November and give publicity to the same in that country.

HON. GEORGE R. TABOR,
State Health Officer of Texas.

We are very glad to announce that George R. Tabor, State Health Officer of Texas, has accepted the position of First Vice President of the Congress, made vacant by the resignation of Dr. J. H. Kellogg, of Battle Creek, Michigan, which as he felt, interferred with his great life work as Superintendent of the Battle Creek Sanitarium. The June Journal treated of this editorially.

Dr. Tabor has no superior in the United States or the Canadas in his work and experience in Sanitation and Public Health.

His letter is as follows:

Department of Public Health and Vital Statistics.
State of Texas.
Austin, Texas, August 21, 1906.

Hon. Clark Bell,
Secretary of Council,
29 Broadway, New York.

Dear Sir:—I thank you very much for yours of the 7th which I have been unable to acknowledge sooner.

I also notice you tender me the position of First Vice President of the International Congress on Tuberculosis to succeed Dr. Kellogg, and I will be pleased to accept if you think I will be of any benefit to your association.

Wishing you success and hoping to have the pleasure of meeting with you in New York, I am,

Very truly yours,

GEORGE R. TABOR,
State Health Officer of Texas.

A great pressure has been brought to bear on Dr. George R. Tabor to induce him to take the Chairmanship of the Standing Committee on State and Municipal Sanitaria. As the issues before the Congress now look, this will be one of the most important Committees of the coming Congress. The discussion originated by the London Lancet on the Sanatorium Treatment of Pulmonary Tuberculosis in its issue of Jan. 6, 1906, has been brought to the attention of the more prominent Sanitarians of the world.

The June Number of the Medico-Legal Journal adverted to it as follows:

THE SANATORIUM TREATMENT OF PULMONARY TUBERCULOSIS.

That great Journal, the London Lancet, recently submitted to those it considered most able to answer a series of questions soliciting their replies for publication.

In the January Sixth number of 1906, they publish the replies at length. The questions were as follows:

1. Has experience demonstrated the therapeutic value of the sanatorium treatment generally?
2. Are successful results obtained equally (a) in well-to-do patients; (b) in the working classes?
3. In the working classes must an elaborate system of insurance be combined; and are convalescent homes necessary to prolong the treatment?
4. What are the arguments for believing that the educational value of sanatoriums will be great and widespread?
5. Sanatoriums are considered by some people as places where severe cases may be segregated and by others as places where incipient cases may be cured. Ought there to be two sets of buildings?
6. What is a medical officer to say when he is asked whether a county authority or a private philanthropist is doing the best for the tuberculous by building a costly sanatorium?

Sir Richard Douglas Powell, Bart., K. C. V. O., Consultant in British Hospitals, unhesitatingly favors judicious Sanitariums and Hospital treatment and asserts that Sanitaria are essential to success. His paper explains details at length and with ability.

Sir William H. Broadbent, Bart., K. C. V. O., M. D., Lond.; F. R. C. P., Lond., who is a Consultant to St. Mary's, gives an affirmative answer to all these questions and favors in answer to the 5th isolation and separate wards, but cannot be said to favor separate buildings.

C. Theodore Williams, M. D., Oxon.; F. R. C. P., Lond., Consultant at the Hospital for Consumption at Brompton, answers these questions in the affirmative and as to segregation favors three classes of buildings. 1, A Hospital for acute cases; 2, A Sanatorium for patients with incipient and limited sessions; 3, A Settlement or colony for assorted cases where light employment might be utilized.

Dr. J. Kingston Fowler, M. A. M. D. Cantab, F. R. C. P., Lond., who is a Consultant at Brompton, Physician to the Middlesex and Dean of the Faculty of Medicine at the University of London, refers in his answer to his well known paper on the open air treatment read November 14, 1899. He endorses the Nordrach System as confirmed by his experience and observation since 1899, which is

1. An absolutely open air life day and night, in sunshine, fog or rain.
2. No liegehalle.
3. An abundant diet, regulated by the Physician in charge, who must attend at all the meals.
4. Rest before meals.
5. Exercises regulated by the strength and temperature of the patient.

Dr. Fowler goes into extended details and gives strong arguments and strong conclusions in support of his views. He thinks every hospital should have a Sanatorium attached.

Frank J. Gethered, M. D., Lond., F. R. C. P., Lond., Physician to the Brompton Hospital and assistant to the Middlesex Hospital, discusses details and results and does not give an unqualified assent, but says, under certain conditions. While he concedes the value of Sanatoria they must be used wisely and intelligently to be of value. He doubts their value to the working classes because the requirements could not be properly and successfully enforced.

Dr. Wethered has had too large an experience and too much observation to answer yes to these questions and he explains as to each the question about putting reliance upon them except essential conditions are insistently observed.

Dr. Arthur Latham, M. A., M. D., Oxon, F. R. C. P., Lond., Physician at St. George Hospital, assistant Physician at the Brompton, hesitates to endorse the Sanatorium system.

He discusses the question, "Are Sanatariums worth while?"

He says frankly, "That Sanitariums in England which are worthy of the name can be counted on almost the finger of one hand."

He discusses the value of Sanatarium treatment by statistics with great ability, quoting Dr. Pollock and the German Sanitariums for the working classes; Dr. C. J. B. Williams' experience in 7,000 hospital cases and contributes the most important elaborate and careful study of the subect of all those who answer.

These questions and replies show that there is an enormous field for observation and study for the careful student in the whole sanitarium system. That it should be open to all the Sanitarians of our Hemisphere and illustrates marvellously how unwise and absurd it would be to accept the dicta or opinion of an Superintendent of any one Sanitarium as an authority. They are each of value so far as their study and research go, but no Sanitarium can now speak ex cathedra.

No man would be more competent than Dr. Tabor to act as Chairman of that Committee than he.

He is well known to be entirely free from any clique or combination of Sanitariums, so completely in control of the National Tuberculosis Association organized by the representatives of the Phipp's Institute and the Sanitoriums identified with and in full control of the Society organized by their immediate friends and adherents.

No Sanitarium in the land has any hold on or claim upon him.

He has had a remarkable experience in his official position.

Some diffidence has been felt by the President and Secretary in placing so much of the official responsibility of the work of this Congress on the State of Texas.

The Council are of the opinion that Dr. Tabor would be by far the most important and best man for the place, and that local considerations should not enter into the judgment of the Council respecting it.

The Secretary of the Council is advised by the President that Dr. Tabor will take this Chairmanship.

DR. E. J. BARRICK.

Dr. E. J. Barrick, of Toronto, ex-President and ex-Chairman of this Committee in the St. Louis Congress of 1904, declined the Chairmanship of this Committee for this New York Congress of 1906, but consents to take a seat on the Committee.

All the men who participated in the Symposium of the London Lancet have been invited to continue the discussion before the Congress of November, 1906, at New York.

PROF. MARSHALL D. EWELL.

Prof. Marshall D. Ewell, of Chicago, Honorary Member of the Medico-Legal Society of New York, has consented to accept a seat on the Standing Committee on Preventive Legislation, of which the President of the Medico-Legal Society of New York, is Chairman, Hon. Clark Bell, LL. D. The paper of the Chairman appears in the June number of the Medico-Legal Journal and opens the discussion before the Congress. Leading jurists of the world will be invited to serve on the Committee and contribute to its work.

DR. A. N. BELL.

Honorary President of the Congress and Honorary Member of the Medico-Legal Society.

We are glad and proud to announce that the veteran Sanitarian of our country, the Nestor of the Profession, the First and ex-President of the American International Congress on Tuberculosis, will take part in the opening ceremonies of this Congress, at the City of New York, in November. We publish his brief letter accepting the invitation of the management. From the beginning of the movement in this country Dr. A. N. Bell has been the earnest, enthusiastic and staunch friend of the movement.

He was made President of the body at its organization in 1900, and was re-elected. In 1901 he again presided, but refused a re-election because of a physical infirmity which interfered with the duties of a presiding officer of a deliberative body.

He was the first Honorary President elected in 1892, a position he has since held.

For so many years the Editor and publisher of the Sanitarian, when and while it was the most influential journal on Sanitary Science on the Western Continent, he again will speak for a cause with which his name has been so long and so honorably connected.

Dr. Bell writes as follows:

337 Clinton Street,
Brooklyn, N. Y., Aug. 27, 1906.

Clark Bell, Esq.,
Treasurer American International Congress on Tuberculosis,
New York.

Dear Sir:

I am much gratified by your letter of 18th inst., and inclosures relating to the forthcoming American International Congress on Tuberculosis, in New York. And I am the more gratified because of the now universal recognition of the importance of co-operative effort—by men of affairs, national and state officials and scientists generally—with physicians, to discuss and devise most effective methods against the various conditions promotive of tuberculosis.

I take pleasure in accepting the request to be present, D. V., and to take part in the proceedings of the opening session.

Fee of annual membership inclosed.

Truly yours,
A. N. BELL.

DR. A. N. BELL,
Honorary President of the Congress and Honorary Member of the Medico-Legal Society.

PRESIDENT ROOSEVELT'S REPLY TO THE LETTER OF INVITATION FROM THE OFFICERS OF THE CONGRESS.

The White House.

Washington, October 27th, 1906.

My Dear Sir:—

The President thanks you cordially for your kind letter of the 23rd instant inviting him to attend the fourth biennial session of the American International Congress on Tuberculosis. He regrets, however, that it will be impossible to accept, as he will be on his Panama trip on the dates mentioned.

Assuring you of the President's interest in the work of the Congress, and conveying his good wishes for the success of the coming session, I am,

Very truly yours,

WM. LOEB, JR.,

Secretary to the President.

Dr. F. E. Daniel,

President, American International Congress on Tuberculosis, Austin, Texas.

NOTICE TO DELEGATES.

RAILWAY TRANSPORTATION TO THE NEW YORK NOVEMBER CONGRESS ON TUBERCULOSIS.

ONE FARE AND A THIRD FOR ROUND TRIP TO NEW YORK AND RETURN.

The Management announces that arrangements have been concluded with the Railway Trunk Line Association, by which members and delegates can secure transportation for the round trip on the certificate plan, at one fare and one-third to New York and return for the American International Congress on Tuberculosis, November 14, 15 and 16, 1906, provided at least 100 persons shall have obtained the necessary certificate and paid the fare one way.

Special care must be taken to secure the certificate from the railway agent before starting. Without this certificate the return ticket cannot be obtained.

Members and delegates wishing to avail themselves of reduced rates will please send their names and address to

CLARK BELL, ESq.,
Treasurer and Secretary of Council,
39 Broadway, New York City.

NECROLOGY.

JOHN W. WAUGHOP, M. D.

BY DR. E. S. GOODHUE, HONOLULU, HAWAII.

Dr. Waughop was born October 22, 1839, on a small farm near Peoria, Illinois. His father, though possessed of high character and scholarly tastes, lacked the means to thoroughly educate his ambitious lad who early made up his mind to get an education. Earning and saving and studying got him into Eureka College at the age of twenty-one. Then the Civil War broke out. With one of the professors as captain and 100 of the college students as comrades, he went to the front among the hundred days men, afterwards re-enlisting for three years. He had already chosen medicine as his profession, and so from books loaned him by his friend, the brigade-surgeon, he improved his idle days in camp and the evenings by the camp fire.

After some valuable hospital service, and just before the war closed, he entered Ann Arbor Medical School, then Long Island College, graduating from the latter in 1865.

The next year he married Miss Eliza S. Rexford, of Chicago, where he practiced his profession for a few years.

For health reasons he removed to Olympia, Territory of Washington, and shortly after was made Superintendent of the Western Washington Hospital for the Insane. Here free from all political interference, he worked in the cause of progress for seventeen years, doing what he considered the best work of his life, and leaving behind him a noble institution in which he was personally respected and loved. However, although he had never asked any employee his political faith, and had enjoyed the confidence alike of the Republican and Democratic administrations throughout his incumbency, it was hardly to be expected that he would survive the radical wave of Populism that swept the State

in 1897, at which time he was relieved of his position. All those under him were discharged on the theory—most infamous when applied to those skilled in caring for the insane—that they "had been in office long enough."

Although the best years of his life had been spent in the effort to help the insane, through careful study of their cases, by securing legislation favorable to their needs, and providing them with cheerful surroundings and recreation; though he had drawn freely from his own private funds in visiting hospitals and attending conventions of superintendents of institutions for the nervous and insane, and in spite of the fact that he enjoyed almost universal confidence, he was forced to go, and the commonwealth to lose the advantage of his skill and experience simply to make room for a physician of the required political faith. Being worn by these many years of service, and having an ailing son, also a physician, he removed for a rest to the Hawaiian Islands, where he practiced for six years, being superintendent at one time of the Koloa Hospital, and doing special work in tuberculosis for the Hawaiian Board of Health. But his health gradually declined, and he died on shipboard during a homebound trip, Sept. 1st, 1903.

Dr. Waughop was a leading spirit of the old "Academy of Sciences" of Olympia. The original Territorial Medical Society of Washington was organized in his house. He was afterwards president of the State Medical Society, a vice president of the Medico-Legal Society of New York, member of the Society of Superintendents of Insane Hospitals, Hawaiian Government Physician, etc. He was also widely known as an anaethetist, always stoutly adhering to chloroform, and during his practice is said to have administered this anesthetic over 10,000 times without one death. As a medical expert alienist he was much in demand both in court cases and in consultations to which he was called long distances.

He had the scientific spirit throughout life, and in autopsy work was indefatigueable when any obscure point might be cleared up, especially among his insane cases where the procedure, as to the brain at least, was a routine.

NOTE. The foregoing sketch was contributed at the request of the President of the Medico-Legal Society.

PROFESSOR BROUARDEL.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK.

The foremost name in Forensic Medicine in all the world of our era, has passed into the realm beyond life's activities. By far the greatest name in France in Toxicology, he was President of the Medico-Legal Society of that country.

He was at the head of the Section of Legal Medicine in the International Medical Congress of 1900, in Paris. He has long held the distinction of an Honorary meber of the Medico-Legal Society of New York. His works on various subjects in Forensic Medicine have justified to the end of his useful life, the unanimous recognition of all countries.

He has represented France, officially, at nearly every International Congress as Chief of the Medical profession, and especially, as to all questions besides legal medicine in Hygiene, Sanitation and medical legislation.

Indeed, it may be said of Brouardel that he stood at the head of the medical profession of France as pre-eminently as he did in the judgment of the Medical-Legal Jurists of the world, in the realm of medical jurisprudence, since 1867, when he graduated as a Doctor of Medicine at the Faculty of Paris. In 1869 he was nominated at the Congress, Physician to the Hospitals and a Professor agregie at the Faculty of Paris. He was a pupil of Lorain with whom he studied pure medicine. He was assistant to Tardieu, the foremost Toxicologist of the world of his era. It was Brouardel, who organized the Paris Morgue classes with practical demonstration for the students, which he continued all his life, notwithstanding the unsanitary conditions, which, no doubt, affected his health and which may have led to his death at 69, due to tubercular laryngitis, which he neglected to properly treat or regard. The title of his works would be too long for this notice. In 1879 Brou-

ardel succeeded Tardieu as Professor of Legal Medicine, and was made in the same year by the Courts a medical expert, since which time he has been charged with the duty of drawing the Medical Reports in all important trials, especially for more than thirty years.

The earlier Medico-Legal Studies of Brouardel were published in "Annales d'Hygiene Publique et de Medicine Legale." These extended from 1878. His labors were contemporaneous with the work of the Medico-Legal Society in New York, in which he took a deep interest. He was the leading spirit in the Medico-Legal Society of France in those branches germane to his studies, Toxicology, Hygiene State and Public Health. He was as eminent in medicine in his work, and held the same rank in his profession among the great medical minds of France as he did in Legal Medicine. He was President of the Medical men of the Seine; of the Union of Medical Syndicates of France, and of the General Association of Medical Men in France.

The London Lancet, in commenting on this side of the great and many sided character of Brouardel wholly outside of legal medicine, or Toxicology, says:

"He was in a way the Pontifex Maximus of French Medicine, always considered as the Chief by colleagues, and always consulted by the Government as to any question involving medical matters, or medical men; no one in the medical profession played so important a social role."

This was quite true of the Paris International Medical Congress of 1900, in which he was Chairman of the Section of Legal Medicine, and had with the aid of Prof. A. Motet, as Secretary, arranged for a large support from America to that Section; he was the most influential man in the work of the Congress itself on the medical lines.

He held all the honors France could bestow, and decorations from foreign countries. He never took public office, but wore the Star of Grand Officer of the Legion of Honor at the Paris Congress of 1900.

He married late in life, a beautiful and most accomplished wife. She was the only lady present at a superb dinner he gave to the Presidents of Honor and Vice Presidents of the Section of Legal Medicine, of the Paris Congress of 1900, with representatives from England, Belgium, Germany, Russia, Spain, Italy, Austria, America, and rep-

resentatives from South America, Mexico and the Canadian Provinces. He gave the delegate from the Government of the United States the seat of honor by the side of his wife, and the President of the Medico-Legal Society of Belgium, Dr. Vleminexe spoke in her honor at the opening address and the delegate from the American Government in honor of Brouardel, who then had at his table the leading representatives of Forensic Medicine in all the world.

He is no more. The world of Science has lost him and France has lost her great son.

When Tardieu passed, his fame as a Toxicologist was second to no man then living in the world. Brouardel was a great toxicologist, not greater than Tardieu, but Tardieu had not lighted his fires on so many altars as Brouardel.

He was greater than Tardieu because he had held aloft the banner of pure medicine as well, and he had held a high place in so many fields of useful labor in the uplifting and maintaining the higher civilization of the light of Science in which France held so brilliant and a commanding position at the closing of the 19th and the opening of the 20th century in her Congress of 1900, which may well be claimed to be the zenith of Brouardel's career.

Italy has taught us many lessons and one that the death ofBrouardel accentuates. She paid with the aid of friends in all countries this year splendid superb tribute to Lombroso and Zuccarelli. We should not have waited for the death of Brouardel to have placed the laurel on his head, which would have been tendered by general acclaim could we have had the prevision of his early death.

Magnan is to have that recognition now shortly he so well deserves in Mental Medicine, and it is all the more beautiful and graceful that it comes before the requiem and the pall.

BIOGRAPHICAL SKETCHES

OF THE

Justices of the Supreme Court of New York.

UNDER THE CONSTITUTION OF 1846.

[*Continued from page 115 June Medico-Legal Journal, 1906.*]

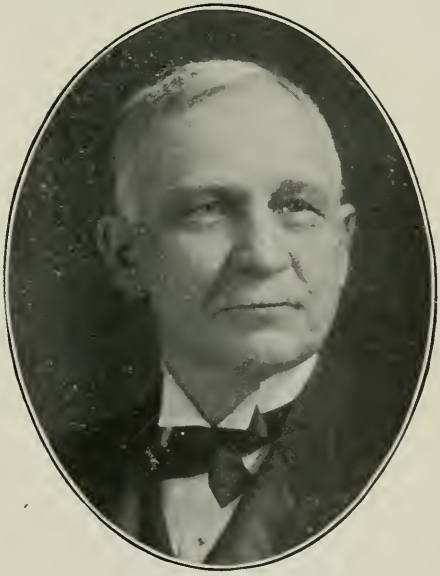
FIFTH JUDICIAL DISTRICT.

HENRY ALLEN FOSTER.

Judge Henry Allen Foster was born at Hartford, Conn., May 7, 1800. He was educated in the common schools of Cazenovia, New York, studied law in the office of David B. Johnson, and was admitted to the Bar in 1822. He took an active interest in political affairs as a Democrat and became prominent at an early age. He was elected to the State Senate and occupied that seat from 1831 to 1834 and from 1841 to 1844. He served in Congress from 1837 to 1839, and was appointed a United States Senator in 1844 as a successor to Silas Wright, Jr., and continued in that office until 1847. In 1853 he was appointed by President Pierce United States District Attorney, but declined the office. He was twice appointed Surrogate of Oneida County. He was a member of the "Albany Regency," being a combina-

HON. ADELBERT P. RICH,
Auburn, New York,
2d Department of the 7th Judicial District.

HON. EDWIN A. NASH,
Avon, New York,
4th Department of the 7th Judicial District.



HON. FREDERICK W. KRUSE,
Olean, New York,
4th Department of the 7th Judicial District.

NEWLY DESIGNATED ASSOCIATE JUSTICES OF THE NEW YORK SUPREME COURT—APPELLATE DIVISION.

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tion of Democratic leaders which for many years controlled the State and was the last surviving member of that combination. In November, 1863, he was elected Justice of the Supreme Court, and took his seat as such for the Fifth Judicial District and served a full term.

Judge Foster was a man of great talent, very learned in his profession as a lawyer, a good Judge and one of the most adroit politicians and legislators that the Democracy ever had in the State, but is said to have been of a violent temper. He continued to practice law until a few years before his death, in Rome, on May 12, 1889.

CHARLES H. DOOLITTLE.

Judge Charles H. Doolittle was elected Justice of the Fifth Judicial District November 2, 1869, for a full term, which he served. I have been unable to obtain date for a sketch of his life and career.

JAMES NOXON.

Judge James Noxon was born in Onondaga Hill, New York, May 17, 1818. He was a son of Hon. B. Davis Noxon, one of the most distinguished trial lawyers in the State of New York. His mother was a Van Kleek, and he was descended from an old Knickerbocker family of Dutchess County. He entered College from Homer Academy and after a brief attendance at Hamilton College, entered Union College, from which he graduated in 1838. He read law in his father's office and later took a course at the Yale College School, and was admitted to the Bar in New York, in 1842. He located at Syracuse and there first practiced with his father, and thereafter organized the law firm of Noon and Putnam. He was elected to the Senate from Onondaga County in 1856, and again in 1858. In 1875 he

was elected Judge of the Supreme Court, on November 2d, for a term of fourteen years, to succeed Judge Morgan. He died in Syracuse January 6, 1881, and was succeeded by the Hon. John C. Churchill.

HON. JOHN C. CHURCHILL.

Judge John C. Churchill was nominated January 18, 1881, by the Governor, in place of Judge James Noxon, deceased, to fill that vacancy and was elected in the following November. I have been unable to obtain any date for a sketch of his life and Judicial career.

HON. GEORGE N. KENNEDY.

Judge George N. Kennedy was elected a Judge of the Fifth Judicial District November 6, 1883, for a full term, which he served. I have been unable to obtain a sketch of his life and judicial career.

SIXTH JUDICIAL DISTRIST.

HON. WILLIAM H. SHANKLAND.

Judge William H. Shankland was elected one of the four Judges under the Constitution of 1846, from Cortland County, and drew the short term. He was re-elected November 6, 1849, for a full term, which he served. His biography will be published later.

HON. HIRAM GRAY.

Judge Hiram Gray had served as a Judge of the Circuit Court before the adoption of the Constitution. He was

elected from Elmira, Chemung County, and drew the four years term. His biography appears in the Judges of the Court of Appeals.

HON. CHARLES MASON.

Judge Charles Mason was elected a member of the Supreme Court from Hamilton, Madison County, June 7, 1847, and drew the six years term. His biography appears in the history of the Court of Appeals.

HON. EBEN B. MOREHOUSE.

Judge Eben B. Morehouse was elected a Judge of the Supreme Court June 7, 1847, from Sooperstown, Otsego County, and drew the long term of eight years, and died before the expiration of his term. I am unable to obtain any data for a sketch of his life and judicial career.

HON. RANSOM BALCOM.

Judge Ransom Balcom was elected Justice of the Supreme Court Nocember 6, 1865, and re-elected November 3, 1863, from Binghamton, Broome County, and served a full term. A fuller sketch of his career will appear later.

HON. WILLIAM MURRAY, JR.

Hon. William Murray, Jr., was appointed in the place of Judge Mason, resigned, on his promotion to the Court of Appeals, from Delhi, Delaware County, New York, to fill the vacancy in 1867, and wa elected for the full term in 1869.

HON. EDWIN COUNTRYMAN.

Hon. Edwin Countryman was appointed December 29, 1873, to fill the vacancy caused by the death of Judge John M. Parker. His biography will be supplied later.

HON. DAVID L. FOLLETT.

Hon. David L. Follett was elected Novemebr 8, 1874, as Judge of the Supreme Court, and Hon. Celora R. Martin on November 6, 1877. Their biographies appear in the history of the Court of Appeals.

HON. H. BOARDMAN SMITH.

Hon. Judge H. Boardman Smith was elected November 6, 1883, for the Sixth Judicial District, from Elmira, Chemung County, New York, for the full term. His sketch will be supplied later.

SEVENTH JUDICIAL DISTRICT.

Biographies of the Judges of the Supreme Court of the Seventh District under the Constitution of 1846.

HON. THOMAS A. JOHNSON.

Hon. Thomas A. Johnson, from Corning, Steuben County, New York, was elected Justice of the Supreme Court under the Constitution on June 7, 1847, and drew a short term. He was twice re-elected. His biography will appear in the sketches of the Judges of the Supreme Court, General Term.

HON. JOHN MAYNARD.

Hon. John Maynard was elected a Judge of the Supreme Court for the Seventh Judicial District, on June 7, 1847, and drew a four years term, which he served, but he died at Auburn, March 24, 1850, before the expiration of his term.

HON. HENRY WELLES.

Hon. Henry Welles was elected to the Bench of the Supreme Court at the organization of the Court, and drew the six years term, which he served. In November 8, 1853, he was re-elected for a full term. (This sketch will be supplied later.)

HON. SAMUEL L. SELDEN.

Hon. Samuel L. Selden was elected June 7, 1847, to the Bench of the Supreme Court of the Seventh Judicial District. His biography will be found in the sketches of the Judges of the Court of Appeals.

HON. HENRY W. TAYLOR.

Hon. Henry W. Taylor was appointed to fill the vacancy caused by the death of Judge John Maynard, on March 27, 1850. I am unable to give the data for a suitable sketch. He resided at Cananlaigua, New York, where he was a respected member of the Bar and where his life was spent and where he died.

HON. THERON R. STRONG.

Hon. Theron R. Strong was born in Salisburt, Connecticut, November 7, 1802. He was a son of Martin Strong, County Judge and member of the Connecticut Legislature.

He studied law with his father and was admitted to the Bar in 1826, in Wayne County, New York. He commenced the practice of law at Palmyra, and was District Attorney of Wayne County from 1824 to 1829, and a member of Congress from 1839 to 1841, a member of the Legislature in 1842, and he had then a large and extensive practice. On November 4, 1851, he was elected Judge of the Supreme Court from Wayne County, and took his seat January 1, 1852, for a full term, which he served. He held a high position at the Bar before he took his seat upon the Bench, and he was universally respected in the Seventh Judicial District as a Judge. After his retirement from the Bench he resumed practice of law in Rochester, and in 1867 he removed to the City of New York, where he acquired a large law practice and acted as counsel in important cases and as a re-force. He was the father of Theron R. Strong, now of the Bar of the City of New York. Judge Strong was one of the most accomplished lawyers of the Seventh Judicial District. He took great pains in the preparation of his opinions and his reports rank him next to Judge Denio. He died in the City of New York May 15, 1873, universally respected.

HON. ERASMUS DARWIN SMITH.

Hon. Erasmus Darwin Smith was born in De Ruyter, Madison County, New York, October 10, 1806. He was a graduate of Hamilton College and commenced the practice of law in the City of Rochester, where he resided. In 1833 he was appointed Master in Chancery for that District and he served three terms as such. In 1841 he was made Injunction Master before the Constitution of 1846 in the Court of Chancery. On November 6, 1855, he was elected to the Bench of the Supreme Court from Rochester, Monroe County, and he served continuously on the Bench until

his retirement by age limitation in 1877. He was re-elected November 3, 1862, under the Constitution of 1846. Judge Smith during his service was in continued service as a trial Judge except as temporarily assigned to the General Term.

HON. ADDISON T. KNOX.

Hon. Addison T. Knox was lected to the Bench on November 8, 1859, for a full term, which he served. He was one of the most eloquent advocates of the Bar of the District, and had no superior as a jury lawyer. I have been unable to obtain data for a sketch of his career or the data of his death or to obtain his portrait.

HON. JAMES C. SMITH.

Hon. James C. Smith was appointed Judge of the Seventh District, vice Addison T. Knox, resigned, on May 23, 1862, and after the expiration of his term was re-elected. His biography appears in the history of the General Term.

HON. CHARLES C. DWIGHT.

Hon. Charles C. Dwight was appointed to the Bench on March 26, 1868, in place of Judge Welles, deceased. He was re-elected for a full term on November 2, 1869. His biography appears likewise in the history of the General Term.

HON. DAVID RUMSEY.

Hon. David Rumsey was appointed a Judge of the Supreme Court on the 7th of January, 1873, vice Judge Johnson, deceased, and was re-elected in November of the

same year for a full term, which he served. Judge Rumsey was one of the most successful advocates before juries and confessedly one of the leaders of the Bar of Steuben County at the time of his election to the Bench. The work of his life was in the trial of cases before juries, in which he greatly excelled. He was recognized by the Bar of the Seventh District as a good Judge and gave great satisfaction of his administration in the office as such. He was the father of William Rumsey, of the Bar of Steuben County, who succeeded him on the Bench on his retirement. He died at Bath, Steuben County, where he is buried at the side of his son in the family cemetery; his grandson, David Rumsey, being a member of the Bar of the City of New York.

HON. GEORGE W. RAWSON.

Hon. George W. Rawson was elected to the Bench of the Supreme Court from Rochester, on November 7, 1878, for a full term, which he served. (The balance of this biography will be supplied.)

HON. JAMES L. ANGEL.

Hon. James L. Angel was appointed to the Bench of the Supreme Court upon the death of Judge George W. Rawson, on December 20, 1877. On the expiration of his term he was re-elected November 6, 1883. He acted as a Judge of the General Term, by designation some times.

HON. WILLIAM RUMSEY.

Hon. William Rumsey was elected to the Bench of the Supreme Court on November 2d, 1880, for the full term, which he served. The remainder of this biography will be supplied.

HON. GEORGE B. BRADLEY.

Hon. George B. Bradley was elected to the Bench of the Supreme Court on November 6, 1883. His biography appears in the history of the Court of Appeals.

EIGHTH JUDICIAL DISTRICT.

HON. JAMES G. HOYT.

Judge James G. Hoyt was elected under the Constitution of 1846, from Buffalo and drew a short term of two years, which he served. He was re-elected on November 6, 1849, for a full term, which he served. On September 28, 1860, he was appointed, vice Benjamin F. Green, deceased, and on November 5, 1861, was elected to fill the vacancy and for full term.

HON. JAMES MULLETT.

Hon. Judge James Mullet was elected to the Bench on June 7, 1847, under the Constitution of 1846, and drew a four years term, which he served. He was re-elected November 4, 1851, and resigned his office on October 16, 1857. His biography appears among the history of the Judges of the General Term.

HON. SETH E. SILL.

Hon. Seth E. Sill was elected June 7, 1847, under the Constitution of 1846. He drew a six years term. He died at Buffalo on September 15, 1851, just before the expiration of his term. I am unable to give a sketch of his life and career beyond that he was a prominent member of the Buffalo Bar at the time of his election.

HON. RICHARD P. MARVIN.

Hon. Richard P. Marvin was elected under the Constitution of 1848, Judge of the Supreme Court, on June 7, 1847, and drew a full term, eight years. On November 6, 1855, he was re-elected for a full term, which he served. This sketch will be supplied.

HON. MOSES TAGGART.

Upon the death of Judge Sill, Hon. Moses Taggart was appointed Judge of the Supreme Court, to fill the vacancy and was elected in 1851 for two years, which he served.

HON. LEVI F. BOWEN.

Hon. Levi F. Bowen was appointed December 3, 1852, to fill the vacancy caused by the resignation of Judge Hoyt and served to fill that vacancy. I am unable to give the data for a sketch of his life and judicial career.

HON. BENJAMIN F. GREEN.

Hon. Benjamin F. Green was elected a Judge on November 8, 1853, and took his seat on the first of January following. He died at Fredonia, New York, August 7, 1860. This sketch will be supplied.

Hon. Judges Noah Davis, Charles Daniels, Martin Grover and George Barker were successively elected to this Bench and served upon it. Their biographies appear in the history of the General Term and of the Court of Appeals.

HON. GEORGE D. LAMONT.

Hon. Judge George D. Lamont was appointed November, 1868, to fill the vacancy caused by the vacancy of Judge Noah Davis, and served upon that Bench to fill that vacancy until his death in 1878, when Hon. William H. Henderson was appointed to succeed him and to fill that vacancy. I am unable to complete this sketch of the life of George D. Lamont.

HON. WILLIAM H. HENDERSON.

Hon. William H. Henderson was appointed Judge of the Supreme Court to fill the vacancy caused by the death of Judge George D. Lamont, on March 21, 1876, and has served for that vacancy.

HON. JUDGE JOHN L. TALCOTT.

Hon. Judge Talcott was elected November 2, 1869, to succeed Judge Lamont. His biography is in the Judges of the General Term.

HON. ALBERT HAIGHT.

Hon. Albert Haight was elected November 7, 1876, for a full term. His biography appears in the sketches of the Judges of the Court of Appeals.

HON. LORAN L. LEWIS—HON. HENRY A. CHILDS.

Hon. Loran L. Lewis and Hon. Henry A. Childs were elected Judges on that Bench for a full term, the former on November 7, 1882, and the latter on November 6, 1883. Both their biographies will appear in the sketch of the Judges of the Court of Appeals, the General Term and the Appellate Division.

HON. THOMAS CORLETT.

Hon. Thomas Corlett was elected a member of the Supreme Court for the Eighth Judicial District November 6, 1883, and served a full term. I am unable to give the data for a sketch of Judge Corlett's life and judicial career.

RAILWAY SURGERY.

NEW YORK AND NEW ENGLAND ASSOCIATION OF RAILWAY SURGEONS.

The Sixteenth Annual Meeting will be held at the New York Academy of Medicine, 17-21 West Forty-third Street, New York City, on Wednesday and Thursday, November 14th and 15th, 1906. It will enable our members to attend that meeting, and the members of this Society to attend the sessions of the International Congress on Tuberculosis.

SELECTIONS.

GLYCO-HEROIN (SMITH).

THE TREATMENT OF COUGH.

It is now universally conceded that GLYCO-HEROIN (SMITH) is the ideal cure for coughs of all varieties. This product embraces the most active sedatives and expectorant agents in the exact proportions in which they exhibit their greatest remedial potency. It matters not what the exciting cause may be, the effect of this preparation is always immediate, pronounced and extremely agreeable. The cough is almost instantly suppressed, the expulsion of the accumulated secretions is stimulated, respiration is rendered free and painless and the inflammation of the lining of the air-passages is speedily allayed by its use.

GLYCO-HEROIN (SMITH) may be administered for an indefinite length of time without any depreciation in its curative properties and without the induction of a drug-habit. It is of especial value in the treatment of pulmonary phthisis. It is pre-eminently superior to all preparations containing codeine or morphine.

JOURNALS AND BOOKS.

Reports Virginia State Bar Association. Vol. 18, 1905.

Second Annual Report of the Henry Phipps Institute for the Study, Treatment and Prevention of Tuberculosis. Feb. 1, 1904, to Feb. 1, 1905.

The Technicae of Abdominal Section, by Denslow Lewis, M. D., Chicago.

The Medical Examiner and His Work. By same.

Longmans Green & Co., "Notes on Books," April, 1906.

Illinois Law Review, Vol. 1, No. 3, October, 1906.

The Ohio Magazine, Vol. 1, No. 3, September, 1906.

Report of the Twelfth Annual Meeting of the Lake Mohonk Conference on International Arbitration, 1906.

Annual Archaeological Report, 1905, being Part of the Appendix to the Report of the Minister of Education, Ontario.

Frederick Trevor Hill, "Lincoln, the Lawyer." From the Century Company.

Cassius M. Riley, M. D. "Toxicology." From P. Blakiston's Son & Co., Philadelphia.

John J. Reese, M. D. Text Book of Medical Jurisprudence and Toxicology. From same.

Public Health Reports. Published by the Surgeon-General, Washington, D. C. Vol. XX. Part I and II. Also Vol. XXI. Part I, 1906.

America, Line Type Book. American Type Founders Co., New York.

John Bessner Huber, A. M., M. D. "Consumption and Civilization." From J. P. Lippincott Co.

Witthaus & Becker, "Medical Jurisprudence, Forensic Medicine and Toxicology." Vol. I. From Wm. Wood & Co.

Thomas Hall Shastid, M. D., Marion, Ill. "How to Suppress a Malpractice Suit."

New Shakespeareana, Vol. V, No. 4, October, 1906.

Critic & Guide. Wm. J. Robinson, Ph. G., M. D., Editor, Vol. 7, No. 4, October, 1906.

C. B. Burr, M. D., Flint, Mich. "Presidential Address; The Physician as a Character in Fiction." Reprint from Am. Journal of Insanity, July, 1906.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

Medical Jurisprudence, Forensic Medicine and Toxicology. Wm. Wood & Co., New York. Edited by Tracy C. Becker, Esq., and Prof. R. A. Witthaus, and will contain original articles by other writers.

This important publication will, when completed, consist of four large octavo volumes of from eight hundred to ten hundred pages each, of which Volume I is already issued. Volume I contains articles as follows:

"The Legal Relations of Physicians and Surgeons," by Tracy C. Becker, A. B., LL. B.

"The Law of Evidence," concerning Confidential Communications between Physician and Patient, by Charles A. Boston, Esq.

"A Synopsis of the Laws" of the Several States and Territories of the United States of America, and of Great Britain and Ireland, and of the North American Provinces of Great Britain, relating to the practice of medicine and surgery, by Charles A. Boston, Esq., of the New York City Bar.

"The Legal Status of the Dead Body," by Tracy C. Becker, A. B., LL. B.

"The Powers and Duties of Coroners and Medical Examiners," by Augustus Becker, Esq.

"Medico-Legal Autopsies," by H. P. Loomis, M. D.

"Personal Identity," including the methods used for its determination in the dead and living, by the late Irving C. Rosse, M. D.

"Medico-Legal Determination of the Time of Death," by H. P. Loomis, M. D.

"Death by Heart and Cold," including insolation in its medico-legal aspects, by Enoch V. Stoddard, M. D.

"Death From Starvation," in its medico-legal aspect, by Enoch V. Stoddard, M. D.

This volume contains an Historical Introduction, by Prof. Witthaus, which contains novel views on the subject of Medical Jurisprudence, Forensic Medicine and Toxicology, not accepted by the leading writers or authorities of our own or past times.

The volume is not a treatise by an author, but is a collection of essays by various authors on the subjects named.

This work appears almost cotemporaneously with Prof. Draper's Classic Treastise on the Science of Medical Jurisprudence. It can hardly be contrasted with it, because it is the views of various writers on distinct subjects, while Prof. Draper's work is an elaborate treatise on the Science.

The classification of Prof. Witthaus and the definitions made and distinction made are not concurred in by Draper, nor were they by Beck, nor so far as we know by other writers.

Zachias, the brightest writer of the Sixteenth Century, is now almost a stand on many of the themes, and Prof. Witthaus hardly understands him correctly; nor do we think Paris and Fonblank.

We publish an introductory chapter from the early edition of Beck which shows the early genius of this father of Medical Jurisprudence, quite in contrast with Prof. Witthaus' ideas.

The article by Tracy C. Becker, A. B., LL. B., is an able and carefully prepared resume of the law of the subject of which he treats, and we shall continue our examination. We shall review the volumes as they appear with interest.

HON. ELIHU ROOT,
American Secretary of State, Washington, D. C.,
Honorary President American International Congress on Tuberculosis.

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DR. A. N. BELL,
Honorary President American International Congress on Tuberculosis.

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CLARK BELL, ESQ., LL. D.,

President of the Medico-Legal Society of New York,
Honorary President and Founder of the American International Congress
on Tuberculosis,
Retiring Treasurer in 1907.

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DR. F. E. DANIEL,
Austin, Texas,
Retiring President of American International Congress on Tuberculosis. 1905-6,
Editor Texas Medical Journal,
Honorary President American International Congress on Tuberculosis,
Corresponding Member Medico-Legal Society,
1907.

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New York Supreme Court.

APPELLATE DIVISION.

HISTORICAL SKETCH AND BIOGRAPHIES OF THE JUDGES OF THAT BENCH FROM ITS ORGANIZATION UNDER THE CONSTITUTION OF 1902 TO DEC. 31, 1906.

BY CLARK BELL, ESQ., LL. D.,
OF THE NEW YORK BAR.

The Appellate Division of the New York Supreme Court was organized under the Constitution of 1902, and succeeded the General Term of the Supreme Court which had preceded it, created by and under the Constitution of 1846.

The autonomy of the Judicial System, under the Constitution of 1846, was that litigants should have the right of appeal from the decision of the Trial Courts, whether with or without a jury, to the Appellate Court, before a resort could be had to the Court of last resort.

This Court of inferior Appellate jurisdiction, under the Constitution of 1846, was called

"The General Term of the Supreme Court," and under the Constitution of 1892, was styled "The Appellate Division of the Supreme Court."

From the decision of these Tribunals, since the Court organized under the Constitution of 1846, an appeal lay to the Court of last resort. The New York Court of Appeals.

THE JUDICIARY CLAUSE OF THE CONSTITUTION AS AMENDED 1905.

Article VI. of the New York State Constitution, relating to the Judiciary of the State, was amended by the Amendments adopted by the People at the general election of 1905, so as to read as amended as follows:

ARTICLE VI.

Section 1. The Supreme Court is continued with General Jurisdiction in Law and in Equity, subject to such Appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law, not inconsistent with this Article. The existing Judicial Districts of the State are continued until changed as herein after provided. The Supreme Court shall consist of the Judges now in office, and of the Judges transferred thereto by the Fifth Section of this Article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of twelve additional Justices who shall reside in and be chosen by the electors of the several existing Judicial Districts, three in the First District, three in the Second, and one in each of the other Districts, and of their successors.

The successors of said Justices shall be chosen by the electors of their respective Judicial Districts. The Legislature may alter the Judicial Districts, once after, after every enumeration under the Constitution; of the inhabitants of the State, and thereupon re-apportion the Justices to be thereafter elected in the districts so altered. The Legislature may from time to time increase the number of Justices in any Judicial District except that the number of Justices in the First District, or in any of the districts into which the Second may be divided, shall not be increased to exceed one Justice for each eighty thousand or fraction over forty thousand of the population thereof as shown by the last State or Federal census or enumeration, and except that the number of Justices in any other district shall not be increased to exceed one Justice for each sixty thousand or fraction over thirty-five thousand of the population thereof as shown by the last State or Federal census or enumeration. The Legislature may erect out of the Second Judicial District as now constituted another Judicial District, and apportion the Justices in office between the districts and provide for the election of additional Justices in the new district not exceeding the limit herein provided. (Amended 1905).

Judicial Departments: Appellate Division How Constituted; Governor to Designate Justices; Reporter; Fixing Time and Places for Holding Courts:

Section 2. The Legislature shall divide the State into Four Judicial Departments. The First Department shall consist of the County of New York; the other be bounded by county lines, and be compact and equal in population as nearly as may be once every ten years the Legislature may alter the Judicial Department, but without increasing the number thereof.

There shall be an Appellate Division of the Supreme Court, consisting of seven Justices in the First Department, and of five Justices in each of the other departments.

In each four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five Justices shall sit in any case. From all the Justices elected in the Supreme Court, the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the Presiding Justice thereof, who shall act as such during his term of office and shall be a resident of the department. The other Justices shall be designated for terms of five years, or the unexpired portion of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make such designations. A majority of the Justices so designated to sit in the Appellate Division in each department, shall be residents of the department. He may also make temporary designations in case of the absence, or inability to act of any Justice of the Appellate Division, or in case the Presiding Justice of any Appellate Division shall certify to him, that one or more additional Justices are needed for the speedy disposition of the business before it. Whenever the Appellate Division in any department shall be unable to dispose of its business, within a reasonable time a majority of the Presiding Justices of the several departments at a meeting, called by the Presiding Justice of the department in arrears may transfer any pending appeals from such department, to any other department for hearing and determination.

No Justice of the Appellate Division shall within the department to which he may be designated to perform the duties of an Appellate Justice, exercise any of the powers of the Supreme Court, other than those of a Justice out of court, and those pertaining to the Appellate Division, or to the hearing and decisions of motions submitted by consent of counsel, but any such Justices, when not actually engaged in performing the duties of such Appellate Justice in the department to which he is designated, may hold any term of the Supreme Court and exercise any of the powers of a Justice of the Supreme Court in any county or Judicial District in any other department in the State.

From and after the last day of December, 1895, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at the General Terms, and by the General Terms of the Court of Common Pleas for the City and County of New York; the Superior Court of Buffalo and the City (Court) of Brooklyn and such additional jurisdiction as may be conferred by the Legislature.

It shall have the power to appoint and remove a Reporter.

The Justices of the Appellate Division in each department shall have power to fix the time and places for holding special (and Trial) terms therein, and to assign the Justices in the departments to hold such terms, or to make Rules therefor. (Amended 1905).

The effect of this amendment to the State Constitution was to largely increase the Judiciary of the State by adding twelve additional Justices of the Supreme Court in addition to those in office when the same went into effect as follows: Three in the first, three in the second, and one in each of the remaining Judicial Districts of the State, besides the additional Justices to be elected at the General Election in 1906.

APPELLATE DIVISIONS.

FIRST DEPARTMENT.

The composition of this Judicial Department since its organization under the last Constitution has been as follows:

From the organization of the Court in the year 1896, Hon. Charles H. Van Brunt was the Presiding Justice until his death in 1905.

The Associate Justices have been as follows:

1896.—George C. Barrett, George L. Ingraham, Edward Patterson, Morgan J. O'Brien, who served continually to the present time until Judge O'Brien succeeded Judge Van Brunt as Presiding Justice in 1905.

1896.—George C. Barrett served as Justice in the First Department from the organization of the Court until December 3d, 1900.

Pardon C. Williams served as Justice in the First Department for the years 1896 and 1897.

William Rumsey was designated as an Associate Justice of the First Department in 1897, and served until his resignation in 1901.

Chester B. McLaughlin was appointed Justice in the First Department in 1898, and is still serving in that position.

Edward W. Hatch was appointed Associate Justice in 1901, and served until his resignation in 1905, when he was succeeded by John Proctor Clarke, who is now serving on this bench.

In 1902 Frank C. Laughlin was appointed Associate Justice in the place of William Rumsey, resigned, and is still serving on this bench.

The Bench as composed for the First Department, in 1904, was as follows: Presiding Justice, Charles H. Van

Brunt, who sat as Presiding Justice from its organization, died in office 1905, and the Governor designated Morgan J. O'Brien as Presiding Justice, and James W. Houghton, of Saratoga Springs, as an Associate Justice.

Associate Justices: Edward Patterson, George L. Ingraham, Morgan J. O'Brien, Chester B. McLaughlin, of Port Henry, New York; Frank C. Laughlin, of Buffalo; John Proctor Clarke, and James W. Houghton, of Saratoga Springs, who was transferred from the Third Department, where he succeeded Alonzo Kellogg in 1904, and served on that Bench until transferred, and was succeeded in the Third Department by Justice John M. Kellogg.

1905.—Presiding Justice: Morgan J. O'Brien, after the death of Van Brunt. Associate Justices: Edward Patterson, Geo. L. Ingraham, Charles B. McLaughlin, Frank C. Laughlin, John Proctor Clarke and James W. Houghton.

1906.—Presiding Justice: Morgan J. O'Brien. Associate Justices: Edward Patterson, Geo. L. Ingraham, Chester B. McLaughlin, John Proctor Clarke, James W. Houghton, and Francis M. Scott, after December 6, 1906.

Presiding Justice Morgan J. O'Brien resigned his position and seat on the Bench November, 1906. Governor Higgins appointed Hon. Edward Patterson Presiding Justice of the Appellate Division, First Department, in his place December 5, 1906, and designated Hon Francis M. Scott as an Associate Justice of that Court, to fill the vacancy.

SECOND DEPARTMENT.

The composition of the Court in the Second Department has been as follows:

1896.—Presiding Justice: Charles F. Brown. Associate Justices: Edgar M. Cullen, Willard Bartlett, Calvin E. Pratt.

1897.—Presiding Justice: William W. Goodrich, succeeding Judge Charles M. Brown, whose term expired January

1, 1897. Associate Justices: Edgar M. Cullen, George B. Bradley, Willard Bartlett and Edward W. Hatch.

1898.—Presiding Justice: William W. Goodrich. Associate Justices: Edgar M. Cullen, John Woodward, Willard Bartlett and Edward W. Hatch.

1899.—Presiding Justice: William W. Goodrich. Associate Justices: Edgar M. Cullen, John Woodward, Willard Bartlett and Michael H. Hirschberg.

1900.—Presiding Justice: William W. Goodrich. Associate Justices: Willard Bartlett, Edward W. Hatch, John Woodward and Michael H. Hirschberg.

1901 and 1902.—Presiding Justice: William W. Goodrich. Associate Justices: Willard Bartlett, John Woodward, Michael H. Hirschberg and Almet F. Jenks, succeeding Edward W. Hatch, who was transferred to the First Department.

1903.—Presiding Justice: William W. Goodrich. Associate Justices: Willard Bartlett, John Woodward, Michael H. Hirschberg, Almet F. Jenks and Warren B. Hooker, who was appointed an additional Justice under an amendment of the Constitution.

1904.—Presiding Justice: Michael H. Hirschberg, succeeding William W. Goodrich, whose term expired by age limitation. Associate Justices: Williard Bartlett, John Woodward, Almet F. Jenks and Warren B. Hooker.

1905.—Presiding Justice: Michael H. Hirschberg. Associate Justices: Willard Bartlett, Almet F. Jenks, Warren B. Hooker, Adelbert P. Rich and Nathan L. Miller, appointed temporarily by the Governor under an amendment to the Constitution providing for two additional Justices.

1906.—Presiding Justice: Michael H. Hirschberg. Associate Justices: Wm. J. Gaynor, succeeding Willard Bartlett transferred to the Court of Appeals; John Woodward, Almet F. Jenks, Warren B. Hooker, Adelbert P. Rich and Nathan L. Miller, the last two as temporary appointments.

THIRD DEPARTMENT.

At the organization of the Appellate Division of the Third Department the following Judges and Associate Justices composed the Third Department:

1896.—Presiding Justice: Charles E. Parker.

1897, 1898 and 1899.—Associate Justices: John R. Putnam, D. Cady Herrick, Judson S. Landon and Milton H. Merwin.

1900.—Presiding Justice: Charles E. Parker. Associate Justices: D. Cady Berrick, M. H. Merwin, Walter Lloyd Smith and A. Alonzo Kellogg.

1901.—Presiding Justice: Charles E. Parker. Associate Justices: M. H. Merwin, Walter Lloyd Smith, S. Alonzo Kellogg and Samuel Edwards.

1902.—Presiding Justice: Charles E. Parker. Associate Justices: Walter Lloyd Smith, S. Alonzo Kellogg, Emory A. Chase, Edgar L. Fursman.

1903.—Presiding Justice: Charles E. Parker. Associate Justices: Walter Lloyd Smith, S. Alonzo Kellogg, Emory A. Chase, Alden Chester, who was appointed in place of Edgar L. Fursman, resigned.

1904.—Presiding Justice: Charles E. Parker. Associate Justices: Walter Lloyd Smith, Emory A. Chase, Alden Chester and James W. Houghton, who succeeded S. Alonzo Kellogg.

1905.—Presiding Justice: Charles E. Parker. Associate Justices: Walter Lloyd Smith, Emory A. Chase, Alden Chester, John M. Kellogg, succeeding Jas. W. Houghton, transferred to the First Department.

1906.—Presiding Justice: Charles E. Parker. Associate Justices: Walter Lloyd Smith, Alden Chester, John M. Kellogg and Aaron V. S. Cochran, of Hudson, New York, vice Emory A. Chase, transferred to the Court of Appeals, by the Governor.

FOURTH DEPARTMENT.

1896.—Presiding Justice: George A. Hardin. Associate Justices: William H. Adams, William Rumsey, David R. Follett and Manley J. Green.

1897 and 1898.—Presiding Justice: George A. Hardin. Associate Justices: David L. Follett, William H. Adams, Manley C. Green and Hamilton Ward.

1899.—Presiding Justice: George A. Hardin. Associate Justices: David L. Follett, William H. Adams and Peter B. McLennan, appointed in place of Hamilton Ward, deceased.

1900.—Presiding Justice: William H. Adams. Associate Justices: Peter B. McLennan, Alfred Spring, Pardon C. Williams.

1901.—Presiding Justice: William H. Adams.* Associate Justices: Frank L. Laughlin, Alfred Spring, Pardon C. Wlliams and Peter B. McClellan.

1902 and 1903.—Presiding Justice: William H. Adams. Associate Justices: Peter B. McLennan, Alfred Spring, Pardon C. Williams, Frank H. Hiscock and Edwin A. Nash.

1904.—Presiding Justice: Peter B. McLennan, succeeding William H. Adams, deceased. Associate Justices: Alfred Spring, Pardon C. Williams, Frank H. Hiscock and Martin L. Stover.

1905.—Presiding Justice: Peter B. McLennan. Associate Justices: Alfred Spring, Pardon C. Williams, Frank H. Hiscock and Martin L. Stover.

1906.—Presiding Justice: Peter B. McLennan, Syracuse; Associate Justices: Alfred Spring, Franklinville; Pardon C. Williams, Watertown; Frederick W. Kruse, Olean, vice Frank H. Hiscock, assigned to the Court of Appeals by the Governor, and Edwin A. Nash, Avon.

*Judge Adams died in office October 12, 1903.

NOTE—I am indebted to the Hon. Geo. B. Bradley, of Corning, and Wm. W. Osgoodby, Esq., of Rochester, for valuable assistance in arranging and correcting these tables.—C. B.

EX-ASSOCIATE JUSTICES,
APPELLATE DIVISION, FIRST DEPARTMENT.

HON. GEO. C. BARRETT.
First Judicial District, New York City.

Judge Barrett served in the Appellate Division, First Department, from the organization of that Court until December 3, 1900, when he retired at his own request, and Edward W. Hatch was assigned to that position by the Governor.

Judge Barrett died in 1906, serving as a Trial Judge at his own request after he retired from the Bench of the Appellate Division.

His biography will be found in the History and Biographies of the Judges of the General Term.

HON. PARDON C. WILLIAMS,
Watertown, New York, Fifth Judicial District.

Hon. Pardon C. Williams, of Watertown, New York, of the Fifth Judicial District, served in the Appellate Division, First Department, in the years 1896 and 1897.

Mr. Justice Williams was designated by the Governor an Associate Justice in the Fourth Department and served in the year 1900, and was transferred to the First Department where he has since served and is now on that Bench.

His biography appears in the Biographies of the Appellate Division, Fourth Department where he has ,since served, and is now on that Bench.

HON. WILLIAM RUMSEY,
Bath, New York, Seventh Judicial District.

Hon. William Rumsey, of Bath, New York, of the Seventh Judicial District, was assigned to the Appellate Division of the First Department by the Governor of the State, as an Associate Justice, and served until his resignation in 1901, as an Associate Justice.

He died at Bath, New York, where he is buried by the side of his father, the Hon. David Rumsey, of the Seventh Judicial District.

His biography will appear in the Justices of the Seventh Judicial District.

HON. CHESTER B. McLAUGHLIN,
Associate Justice of the Appellate Division
of the Fourth Judicial District.

His biography appears among the Justice of the Appellate Division, First Department.

HON. EDWARD W. HATCH.
Associate Justice,
Appellate Division, First Department.

Hon. Edward W. Hatch, of Buffalo, New York, was an Associate Justice of the Appellate Division, from the Eighth Judicial District, in the Second Department 1897 to 1902; transferred to First Department 1901 and 1902, when he resigned from that Court. He has retired from the Bench and resumed practice in New York City.

His biography appears in the biographies of that Court.

New York Supreme Court.

ORGANIZATION OF THE NINTH JUDICIAL DISTRICT OF THE STATE.

ACT OF 1906, CHAPTER 294.

The amendments to the Constitution by the People of the State, at the election of 1905, providing for the election of a large number of new Judges of the Supreme Court, has made the creation of a new Judicial District, necessary to be carved out of the former Second Judicial District, to consist of Westchester, Putnam, Dutchess, Orange and Rockland Counties. The remaining Counties of the former Second Judicial District remain and now constitute the Second Judicial District.

The Act is as follows:—

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, Article II, Chapter 8, General Laws.]

CHAPTER 294.

AN ACT to divide the second judicial district into two judicial districts, to be known as the second judicial district and the ninth judicial district.

Became a law, May 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The present second judicial district shall be and the same hereby is divided into two judicial districts, to be known respectively as the second judicial district and the ninth judicial district, the same to consist of the following counties respectively, namely, the said second judicial district hereby created to consist

of the counties of Richmond, Kings, Queens, Nassau and Suffolk; and the said ninth judicial district to consist of the counties of Westchester, Putnam, Dutchess, Orange and Rockland.

Sec. 2. The justices of the supreme court now resident in the second judicial district, hereby constituted, shall be considered to be justices in said second judicial district.

Sec. 3. The justices of the supreme court now resident in the ninth judicial district, hereby constituted, shall be considered to be justices in said ninth judicial district.

Sec. 4. The said second and ninth judicial districts, hereby established, shall constitute the second judicial department.

Sec. 5. This act shall take effect immediately.

State of New York,
Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

THE NEW NINTH JUDICIAL DISTRICT.

The effect of the Act creating the new Ninth Judicial District is limited to the division of the former Second District into two districts.

The Second Judicial Department has not been changed.

The Appellate Division of the Second Judicial Department, therefore, remains the same until it shall be hereafter changed by the Legislature.

The composition of the Appellate Department in 1905, in the Second Judicial Department, was Presiding Justice Michael H. Hirschberg, Associate Justices, Willard Bartlett, John Woodward, Almet F. Jenks, Warren B. Hooker, Adelbert P. Rich, and Nathan L. Miller.

The first five being members of the present Court, and the last two were temporary designations.

Justices Rich and Miller were temporarily designated by Governor Odell in December, 1904, on the certificate of Presiding Justice M. H. Hirschberg, pursuant to Section 2, of Article VI, of the Constitution.

In 1906 Judge Willard Bartlett was appointed an Associate Justice of the Court of Appeals and transferred from the Appellate Division of the Second Department, to the Court of Appeals as an Associate Justice.

Justice Emory A. Chase, from the Appellate Division, in the Third Department, and Frank H. Hiscock, from the Appellate Division, in the Fourth Department, were transferred to the Court of Appeals as Associate Justices, and Mr. Justice William J. Gaynor, of the Third Judicial District, was appointed by Governor Higgins to fill the place of Judge Bartlett in the Appellate Division of the Second Department; Mr. Justice A. V. S. Cochrane, of the Third Judicial District, to succeed Mr. Justice Chase, in the Appellate Division, in the Third Department, and Mr. Justice Frederick W. Kruse, of the Eighth Judicial District, to succeed Mr. Justice Hiscock, in the Appellate Division, in the Fourth Department.

JUSTICES OF THE NEW YORK SUPREME COURT.

RESIDING IN THE FIRST JUDICIAL DISTRICT.

SINCE THE CONSTITUTION OF 1892.

1894—In Appellate Division—Charles H. Van Brunt, Presiding Justice; George C. Barrett, Abraham R. Lawrence, George P. Andrews, Edward Patterson, Morgan J. O'Brien, George L. Ingraham.

1895—In Appellate Division—Charles H. Van Brunt, P. J.; George P. Andrews, George C. Barrett, Edward Patterson, Morgan J. O'Brien, A. R. Lawrence, George L. Ingraham.

1896—In Appellate Division—Charles H. Van Brunt, P. J.; George C. Barrett, Abraham R. Lawrence, George P. Andrews, Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—John Sedgwick, John J. Freedman, P. A. Dugro, David McAdam, H. A. Gildersleeve, Henry R. Beekman, Joseph F. Daly, Miles Beach, Henry W. Bookstaver, Henry Bischoff, Jr., Roger A. Pryor; Leonard A. Giegerich, Charles H. Truax, Charles F. MacLean, Frederick Smyth.

1897—In Appellate Division—Charles H. Van Brunt, P. J.; George P. Andrews, George C. Barrett, Edward Patterson, Morgan J O'Bdien, Abraham R. Lawrence, George L. Ingraham. Trial Justices—Charles H. Truax, Frederick Smyth, Charles F. MacLean, John Sedgwick, P. Henry Dugro, John J. Freedman, David McAdam, Henry A.

Gildersleeve, Henry R. Beekman, Joseph F. Daly, Henry W. Bookstaver, Henry Bischoff, Jr., Roger A. Pryor, Leonard A. Giegerich, Miles Beach.

1898—In Appellate Division—Charles H. Van Brunt, P. J.; George C. Barrett, Edward Patterson, Morgan J. O'Brien, Abraham R. Lawrence, George L. Ingraham. Trial Justices—Charles H. Truax, Frederick Smyth, Charles F. MacLean, William N. Cohen, P. Henry Dugro, John J. Freedman, David McAdam, Henry A. Gildersleeve, Henry R. Beekman, Joseph F. Daly, Henry W. Bookstaver, Henry Bischoff, Jr., Roger A. Pryor, Leonard A. Giegerich, Miles Beach, Francis M. Scott.

1899—In Appellate Division—Charles H. Van Brunt, P. J.; George C. Barrett, Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—Abraham R. Lawrence, John J. Freedman, Henry A. Gildersleeve, David McAdam, Charles H. Truax, Frederick Smyth, Miles Beach, P. Henry Dugro, Henry W. Bookstaver, Henry Bischoff, Jr., Leonard A. Giegrich, Henry R. Beekman, Charles F. MacLean, Francis M. Scott, George P. Andrews, James M. Fitzgerald, David Leventritt.

1900—In Appellate Division—Charles H. Van Brunt, P. J.; George C. Barrett, Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—Abraham R. Lawrence, John J. Freedman, Henry A. Gildersleeve, David McAdam, Charles H. Truax, Frederick Smyth, Miles Beach, P. Henry Dugro, Henry Bischoff, Jr., Leonrad A. Giegerich, Henry R. Beekman, Charles F. MacLean, Francis M. Scott, George P. Andrews, James Fitzgerald, David Leventritt, James A. O'Gorman.

1901—In Appellate Division—Charles H. Van Brunt, P. J.; Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—Abraham R. Lawrence, George C. Barrett, John J. Freedman, Henry A. Gildersleeve, David McAdam, Charles H. Traux, Miles Beach, P. Henry Dugro,

Henry Bischoff, Jr., Leonard A. Giegerich, Charles F. Mac Lean, Francis M. Scott, George P. Andrews, James Fitzgerald, David Leventritt, James A. O'Gorman, James A. Blanchard, John Proctor Clarke.

1902—In Appellate Division—Charles H. Van Brunt, P. J.; Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—George C. Barrett, John J. Freedman, Henry A. Gildersleeve, Alfred Steckler, Charles H. Truax, Miles Beach, P. Henry Dugro, Henry Bischoff, Jr., Leonard A. Giegerich, Charles F. MacLean, Francis M. Scott, George P. Andrews, James Fitzgerald, David Leventritt, James A. O'Gorman, James A. Blanchard, John Proctor Clarke, Samuel Greenbaum, Ernest Hall, Wm. A. Keener.

1903—In Appellate Division—Charles H. Van Brunt, P. J.; Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—George C. Barrett, John J. Freedman, Henry A. Gildersleeve, Charles H. Truax, P. Henry Dugro, Henry Bischoff, Jr., Leonard A. Giegerich, Charles F. Mac Lean, Francis M. Scott, James Fitzgerald, David Leventritt, James A. O'Gorman, James A. Blanchard, John Proctor Clarke, Samuel Greenbaum, Edward E. McCall, Vernon Davis, Edward Amend.

1904—In Appellate Division—Charles H. Van Brunt, P. J.; Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—George C. Barrett, John J. Freedman, Henry A. Gildersleeve, Charles H. Truax, P. Henry Dugro, Henry Bischoff, Jr., Leonard A. Giegerich, Charles F. MacLean, Francis M. Scott, James Fitzgerald, David Leventritt, James A. O'Gorman, James A. Blanchard, John Proctor Clarke, Samuel Greenbaum, Edward E. McCall, Vernon M. Davis, Edward B. Amend.

1905—In Appellate Division—Charles H. Van Brunt, P. J.; Edward Patterson, Morgan J. O'Brien, George L. Ingraham. Trial Justices—Henry A. Gildersleeve, George C. Barrett, Charles H. Truax, P. Henry Dugro, Henry Bischoff,

Jr., Leonard A. Giegerich, Charles F. MacLean, Farncis M. Scott, James Fitzgerald, David Leventritt, James A. O'Gorman, James A. Blanchard, John Proctor Clarke, Samuel Greenbaum, Edward E. McCall, Vernon M. Davis, Edward B. Amend, Victor J. Dowling, Mortimer C. Addoms.

1906—In Appellate Division—Charles H. Van Brunt, P. J.; Edward Patterson, Morgan J. O'Brien, George L. Ingraham, Francis M. Scott, after December 6, 1906. Trial Justices—George C. Barrett, Charles H. MacLean, Charles H. Traux, Vernon M. Davis, P. Henry Dugro, Henry A. Gildersleeve, James Fitzgerald, Henry Bischoff, Jr., David Leventritt, Leonard A. Giegerich, James A. O'Gorman, George C. Barrett, James A. Blanchard, Samuel Greenbaum, Edward F. Amend, Edward E. McCall, Victor J. Dowling, Joseph E. Newburger, M. Linn Bruce, vice Morgan J. O'Brien, after December 6, 1906.

New York Supreme Court.

APPELLATE DIVISION, FIRST DEPARTMENT.

BIOGRAPHIES.

HON. MORGAN J. O'BRIEN, A. M., LL. B., LL. D.
Presiding Justice,
Trial Division 1887—1896. Appellate Division 1896.

Justice O'Brien was born in the City of New York in 1852. He graduated at St. John's College, New York, which conferred the degree of LL. D. upon him. He was a student at St. Francis Xavier, New York City, who conferred the degree of A. M. upon him. He took a law course at Columbia and graduated with the degree of LL. B. He was admitted to the New York Bar and commenced practice in his native city. He was appointed a Trustee of the public schools; was appointed corporation counsel by Mayor Grace.

In 1886 he was elected to the Bench of the Supreme Court, and took his seat January 1, 1887. He was re-elected at the expiration of his term, and took his seat January 1, 1901, for a full term, which expires in 1915. He was designated as a member of the Appellate Division, First Department, by the Governor, and took his seat January 1, 1896, and has sat in that Court ever since until his resignation.

On the death of Mr. Justice Chas. H. Van Brunt, the Presiding Justice, Mr. Justice O'Brien was appointed Presiding Justice by the Governor, which position he has filled since that time—1905.

He is a member of the Lotos Club, the Century, the New York Yacht Club, the New York Athletic, the Catholic, the Manhattan, and the Democratic Club.

Justice O'Brien is universally respected by his associates on the Bench, commands the confidence of the Bar and of the public.

He has a brilliant future; has repeatedly been called to very high and important trusts and positions, and has for several years seriously contemplated retiring from the Bench to assume more important positions. He is at the very zenith of his intellectual powers.

He resigned from the Bench November, 1906, and resumed the practice of his profession, organizing the law firm of O'Brien, Boardman, Platt and Dunning, in the city of New York.

HON. EDWARD PATTERSON, LL. D.,

Presiding Justice Appellate Division, First Department.
Trial Division, 1887—1896.
Appellate Division, 1896—Still Serving.

Edward Patterson was born in the City of New York in 1839. He is the son of Edward and Martha Talmadge Patterson. Williams and Hobart Colleges have conferred the degree of LL. D. upon him. He studied law and was admitted to the Bar in 1860. He married Isabella Liddon Coxe, and was in an active practice in the City of New York, when promoted to the Supreme Court Bench. He was elected Justice of the Supreme Court in the fall of 1886, and took his seat January 1, 1887. He was re-elected at the

close of his first time for a full term, which expires December 313, 1914. He will reach the age limit December 31, 1909.

He has been a Democrat in political faith, but has received the support of both parties. He was a member of the Medico-Legal Society before he became a Judge and a writer on Medico-Legal subjects; a good lawyer before he came to this Bench; an easy and graceful speaker, and has held a prominent position as a Jurist while on the Bench.

He holds a high social position in New York City; is universally respected and esteemed and will, if he lives, have served twenty-three years continuous service when he reaches the age limitation. He is a member of the Alpha Delta Phi; Phi Beta Kappa; American Museum of Natural History; Associate of the Bar of New York City; the Manhattan Club; the Metropolitan Club; the Democratic Club; the Players; the New York Yacht, and the Century Clubs. His son is a prominent member of the New York City Bar.

On the retirement of Hon. Morgan J. O'Brien, Justice Patterson was, on December 5, 1906, appointed Presiding Justice of the Appellate Division, First Department, to fill that vacancy, where he is now serving.

HON. GEORGE LANDON INGRAHAM.

Associate Justice,
Appellate Division, First Department.
Trial Division, 1891—1896.
Appellate Division, 1896—Still Serving.

George Landon Ingraham was born in the City of New York, August 1, 1849.

He was the son of Daniel Phoenix Ingraham, late Presiding Justice of the Supreme Court, General Term, of the First Department. His mother's name was Mary Landon.

He was educated in New York City and graduated at the Law School of Columbia University in May, 1869; studied law in the office of Burrell, Davidson & Burrell. He was admitted to the Bar in 1869 and commenced practice in New York City. In 1882 he was elected a Judge of the Superior Court of New York City, and took his seat January 1, 1883, and served on that Bench until May, 1891, when he was appointed a Justice of the Supreme Court, on which Bench he is still serving.

He was re-elected for a full term, November, 1905.

January 1, 1896, he was designated by the Governor as an Associate Justice of the Appellate Division, where he is still serving.

He married, December 4, 1873, Georgiana Lent.

He is an industrious and conscientious judge, attends to his duties and has a fine judicial career before him. He has had already nearly twenty-four years of continuous judicial service. His present term expires December 31, 1919. He resides at 80 Irvine Place.

HON. CHESTER B. McLAUGHLIN,
Appellate Division, First Department.
Fourth Judicial District.
Trial Division, 1896—1898.
Appellate Division, 1898—Still Serving.

Mr. Justice McLaughlin was born at Moriah, New York, February 10, 1857; son of Lyman and Harriet C. McLaughlin; graduated at the University of Vermont in 1879. He was married at Port Henry, New York, April 22, 1886; practiced law at Port Henry, New York, from 1881 to 1896. Middleburg College conferred the degree of LL. D. upon him June, 1901. He served as County Judge and Surrogate of Essex County, New York, from 1891 to 1895.

He was a member of the Constitutional Convention of 1894. He was elected a Justice of the Supreme Court, for the Fourth Judicial District for a full term, from January 1, 1896, to December 31, 1909; was designated by the Governor an Associate Justice January 1, 1898, where he has since served by re-appointment.

He is a Republican in political life and influential in his district.

He has resided in the City of New York since his appointment on the Appellate Division, and is a member of the University Club, the Lotos, the Century, the West Side, the Republican, and the Manhattan Clubs, and takes an interest in the life of the city.

HON. EDWARD WINGATE HATCH, A. M., LL. D.,

Ex-Associate Justice,
Appellate Division, First Department,
From the Eighth Judicial District.
Trial Division, 1896—1905.
Appellate Division, 1897—1905.

Mr. Justice Hatch was born at Friendship, Allegheny County, New York, November 26, 1852; was the son of Capt. Jeremiah and Lucy Ann Rigdon Hatch; graduate of Williams College with the degree of A. M.; was admitted to the Bar at Buffalo in 1876; served as District Attorney of Erie County 1881 to 1886; elected Judge of the Supreme Court of Buffalo, and served until 1896; elected Justice of the Supreme Court, of the Eighth Judicial District, from Buffalo, for a full term, expiring 1909.

He was assigned by the Governor to the Appellate Division, Second Department, January 1, 1897, where he served until transferred to the Appellate Division, First Department, New York City, in 1901, where he served as

an Associate Justice until 1905, when he resigned and resumed a lucrative law practice as a member of the law firm of Parker, Hatch & Sheehan, of 32 Liberty Street, with which firm he is at present associated.

HON. FRANK C. LAUGHLIN,

Associat Justice Appellate Division, First Department.
Trial Division, 1885—1900.
Appellate Division, 1900—Still Serving.

Hon. Frank C. Laughlin was born at New York July 20, 1859. He was educated at the public schools of Lockport. He studied law in that city in an office. He married Miss Martha (Taylor) Bartlett, of Buffalo, June 2, 1896. He was admitted to the Bar of New York in 1882, and commenced the practice of his profession at Buffalo in 1883. He was appointed Assistant City Attorney of Buffalo in 1886; was made City Attorney and served until 1891. In 1893 he served as Corporation Counsel of Buffalo. In 1884 he was elected to the Supreme Bench, and took his seat January 1, 1885, in the Eighth Judicial District.

He was designated as one of the Associate Justices of the Appellate Division, First Department, by the Governor, and took his seat on the first day of January, 1900, and is still serving in that position.

Judge Laughlin has had experience in the practice of Municipal laws before he went upon the Bench, and holds a high position as a Judge. He is a Republican in politics.

HON. JOHN PROCTOR CLARKE,

Associate Justice Appellate Division, First Department.
Trial Division, 1900—1905.
Appellate Division, 1905—Still Serving.

John Proctor Clarke was born at Florence, Italy, of American parentage, April 23, 1856. He was the son of Isaac Edwards and Mary (Proctor) Clarke. He graduated at Yale in 1878. He studied law at Northamton, Mass., in a law office; was admitted to the Bar of Massachusetts October, 1880. He married Sarah M. Parker at Shrewsbury, New Jersey, June 25, 1884.

He was appointed Assistant United States Attorney for the Southern District of New York July 1st, 1881, and served until he resigned, May 1, 1886; formed a law firm—Hascall, Clarke & Vanderpoel—and practiced his profession until March 1, 1895, when he was appointed Assistant Corporation Counsel under Mayor Strong's administration. December 22, 1900, he was appointed by the Governor a Justice of the Supreme Court, to fill a vacancy. He was re-elected in the fall of 1901 for a full term, expiring 1915. He was assigned to the Appellate Division by the Governor on the 4th day of October, 1905, where he has since served.

Justice Clarke is a member of the Bar Association; of the Union League Club, the University Club, Manhattan Club, Yale Club, the Republican Club, the Larchmount Yacht Club, and the Wykagyz Country Club.

HON. JAMES WARREN HOUGHTON,

Associate Justice,
Trial Division, First Department, 1899—1903.
Appellate Division, 1903—Still Serving.

Judge James Warren Houghton was born at Corinth, New York, September 1, 1856. He was a son of Tilley and

Charlotte (Dayton) Houghton. He graduated from the Canandaigua Academy, New York, in 1876.

He studied law at Canandaigua, and was admitted to the Bar at Rochester, October, 1879, and commenced practice at Saratoga Springs; was County Judge of Saratoga County from 1888 to 1899. He was appointed Justice of the Supreme Court, to fill a vacancy, by Governor Roosevelt, December 29th, 1899; was elected for a full term in the fall of 1900, such term expiring 1914. In 1903 he was designated as an Associate Justice of the Appellate Division, Third Department, and in October, 1905, he was transferred by the Governor to serve as an Associate Justice of the Appellate Division, First Department, which position he now holds.

His residence is at Saratoga Springs, New York. He married Elizabeth M. Smith, of that place, April 22, 1884.

HON. FRANCIS MARKOE SCOTT,

Associate Justice,

Trial Division, First Department, 1898—1906.

Appellate Division, 1906—Still Serving.

Mr. Justice Scott was born March 14, 1848, in New York City; sone of Thomas and Elenanor A. Scott; graduated from College of the City of New York 1867 (A. M.); graduate of Columbia College Law School 1869; married Lucy Parkman Higgins October 2, 1878, at Perth Amboy, New Jersey; assistant corporation counsel New York City February 1, 1885; aqueduct commissioner August 1, 1888; corporation counsel of New York February 13, 1895, under Mayor Strong; served during Mayor Strong's administration opposing Tammany Hall.

He was the candidate of Tammany Hall and was elected Justice of the Supreme Court in the fall of 1897, and took

his seat January 1, 1898, for a full term, which expires 1911. He resides at 42 Park Avenue, New York City.

On the resignation of Presiding Justice Hon. Morgan J. O'Brien, November 5, 1906, Governor Higgins designated Justice Scott, on December 5, 1906, to sit as an Associate Justice, to fill that vacancy in the Appellate Division, First Department, in which position he is now serving.

HON. MICHAEL H. HIRSCHBERG.
Presiding Justice,
Appellate Division—Second Department.

NEW YORK SUPREME COURT,

Appellate Division—Second Department.

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HON. JOHN WOODWARD,
Associate Justice,
Appellate Division—Second Department.

HON. WARREN B. HOOKER,
Associate Justice,
Appellate Division—Second Department.

HON. ALMET F. JENKS
Associate Justice,
Appellate Division—Second Department.

NEW YORK SUPREME COURT—APPELLATE DIVISION—2d DEPARTMENT.
ASSOCIATE JUSTICES.

HON. NATHAN L. MILLER,
Associate Justice,
Appellate Division—Second Department.

HON. ADELBERT P. RICH,
Associate Justice,
Appellate Division—Second Department.

HON. WM. J. GAYNOR,
Associate Justice,
Appellate Division—Second Department.

NEW YORK SUPREME COURT—APPELLATE DIVISION—2d DEPARTMENT.
ASSOCIATE JUSTICES.

APPELLATE DIVISION, SECOND DEPARTMENT.

HON. MICHAEL H. HIRSCHBERG,
Presiding Justice,
Trial Division, 1897—1900.
Appellate Division, 1900—Still Serving.

Michael H. Hirschberg was born at Newburgh, Orange County, New York, April 12th, 1847. He was graduated from the Newburgh Free Academy in 1862, having meanwhile attended the public schools in Cincinnati, Ohio, one year, and a private school in the city of New York three years. After graduation he studied one year at a private school in his native city. From the fall of 1863 to the fall of 1866, he was employed as sole bookkeeper and entry clerk in a wholesale dry-goods house, at Madison, Indiana. In 1866, he commenced the study of law, at home, in the office of the late Judge Stephen W. Fullerton, and was admitted to practice May 13th, 1868. In March, 1869, he formed a partnership with the late David A. Scott, former Surrogate of Orange County, which continued for more than twenty years. His practice has always been conducted at his native city.

From 1871 to 1883, he was a member of the Board of Education of the City of Newburgh, and was President of that body four years. In 1875, he was elected Special County Judge of Orange County for a term of three years, and in 1889, 1892 and 1895, was elected District Attorney of the county. He was a delegate-at-large to the State Constitutional Convention of 1894. He was once nominated for Mayor and once for Congress, but declined both nominations. He was elected Justice of the

Supreme Court in 1896, and was designated to serve as an Associate Justice in the Appellate Division of the Second Department, by Governor Roosevelt, in January, 1900.

The term of Judge Wm. W. Goodrich, Presiding Justice, expired by reason of age limitation on December 31, 1903. Governor Odell appointed Judge Hirschberg Presiding Justice of the Appellate Division, in 1904, a position which he now holds.

He has a brilliant career before him and one of great usefulness.

Judge Hirschberg was married to Mary Elizabeth McAlles, of Newburgh, in 1878. They have four children, three sons and a daughter, the oldest son now a practicing lawyer at Brooklyn.

HON. WILLIAM WINTON GOODRICH, LL. D.,

Formerly Presiding Justice,
Trial Division, 1896—1897.
Appellate Division, 1897—1903.

His first paternal ancestor in this country was William Goodrich, who emigrated from Bury-St. Edmunds, England, and settled (1635) in Weathersfield, Connecticut, where there are numerous graves of the family. His great-grandfather, Charles Goodrich, was the first settler in Pittsfield, Massachusetts, a large part of which he owned. He was a member of the Continental Congress and Judge of the Common Pleas.

On his paternal grandmother's side, he is descended from Governor William Bradford, who came over in the Mayflower.

He was graduated at Amherst College in 1852; received in 1882 degree of LL. D. President of New York Alumni for several years. Graduated from Albany Law School in 1853;

came to New York City same year. Has been member of several law firms; had office at 59 Wall Street more than thirty years. Last firm, Goodrich, Deady and Goodrich.

Voted for Fremont in 1856, and ever since with the Republican party, except that he was a Liberal Republican and Secretary of the Liberal Republican Convention in Cincinnati.

Was member of the Brooklyn Board of Education; member of Assembly in 1866 and 1871. Was nominated by Independent Republicans for Senate, in 1880, but, though elected, was fraudulently counted out by an apparent majority of 181.

Chairman of Republican General Committee of Kings County in 1889 and 1890.

Member of Republican State Committee in 1895 and 1896.

Chairman of Republican State Convention in 1890.

In 1889, member and chairman of American delegation in the International Maritime Conference, with delegates from all nations including China and Japan, which conference formulated rules of road for preventing collisions at sea, adopted by all maritime nations in 1897.

Appointed by Governor Morton as Justice of Supreme Court, 2nd Judicial District, in August, 1896, to fill vacancy caused by the death of Calvin E Pratt, and elected to the same bench in that year by a majority of 57,000. Appointed by Governor Black on January 2, 1897, as Presiding Justice of the Appellate Division of the Supreme Court, Second Judicial Department, which office he held until his retirement by age limitation on December 31, 1903, and resumed the practice of his profession.

Lecturer on Admiralty Law in New York School ever since 1892.

Has been member of Union League Club and Down Town Association, both of Manhattan Borough, and of Brooklyn, Montauk and Union League Clubs, in Brooklyn.

Was President of Brooklyn Homoeopathic Hospital. President of Board of Trustees of Lafayette Avenue Presbyterian Church, Brooklyn, for thirty years.

Has been Governor General of the Order of Founders and Patriots of America. Governor of the New York Society of the Mayflower. Member of the Sons of the Revolution and of the New England Society.

He died in Brooklyn, rounding out a useful life.

HON. JOHN WOODWARD,

Associate Justice,
Trial Division, 1896—1898.
Appellate Division, 1898—Still Serving.

Judge John Woodward was born in Chautauqua County, August 19th, 1859. In his infancy his family removed to the State of Michigan, and when he was eleven years of age they went farther West to Kansas. Shortly after both his parents died, and the boy went back to Chautauqua County to live with his uncle, the late Hon. Henry C. Lake, of Fredonia. He graduated from the State Normal School there in 1878, and from the law department of the University of the City of New York in 1881. He practiced law in Jamestown, New York; was five years Supervisor; four years City Attorney; three years District Attorney, and in January, 1896, he was appointed Justice of the Supreme Court for the Eighth Judicial District. At the election following he was chosen to that office for a full term of 14 years. In January, 1898, he was assigned by Governor Black to be an Associate Justice of the Appellate Division of the Second Department for the term of five years, and upon the completion of the time was reassigned by Governor Odell for an equal period, and is now filling this assignment.

HON. ALMET FRANCIS JENKS,

Associate Justice,
Trial Division, 1899—1900.
Appellate Division, 1900—Still Serving.

Justice Almet Francis Jenks was born in Brooklyn, N. Y., May 21, 1853. He was graduated at Phillips Academy, Andover, Mass, in 1871; from Yale College in 1875; from Columbia College Law School in 1877, and admitted to the bar in the year last named. He was Assistant District Attorney of Kings Co. in 1884 and 1885; Corporation Counsel of Brooklyn from 1886 until 1894; Judge Advocate General from 1891 to 1895; member of Constitutional Convention in 1894, serving on Judiciary Committee; Assistant Corporation Counsel of New York, in charge of borough of Kings, Queens and Richmond counties in 1898; elected Justice of the Supreme Court in 1898, and assigned to the Appellate Division in 1900, a position he still holds.

HON. WILLARD BARTLETT, LL. D.,

Associate Justice of the Court of Appeals,
Late Associate Justice Appellate Division,
Second Department.
Trial Division, 1884—1887. General Term, 1887—1889.
Appellate Division, 1896—1906.

Judge Willard Bartlett was born October 14, 1846, at Uxbridge, Mass. He was the son of William O. Bartlett. His mother was Agnes E. H. Willard.

He graduated at Columbia in 1869, at the Law School of New York University in 1868.

He practiced law associated with Elihu Root 1869-1883.

Elected Justice of Supreme Court in the Second Judicial District in the fall of 1883, for a full term and was re-elected in the fall of 1897.

He was designated by the Governor to serve on the General Term of the First Department and served on that bench 1887 to 1889.

Was appointed Associate Justice Supreme Court Appellate Division Second Department in 1896, and served in that position until transferred to the New York Court of Appeals, by the Governor of the State, from Jan. 1, 1906.

He married Mary Fairbanks Buffum, October 26, 1870. He is a Democrat, Prof. of Medical Jurisprudence in Long Island College Hospital; was made an LL. D. by Hamilton College in 1894; is a member of the Century Association; the Sons of the Revolution; the Society of Colonial Wars; a member of the University Club in New York, the hamilton Club and Brooklyn Club, where he resides.

HON. WARREN BREWSTER HOOKER.

Appellate Division, Second Department.
Trial Division, 1898—1902.
Appellate Division, 1902—Still Serving.

Warren Brewster Hooker was born on the 24th day of November, 1856, in Perrysburg, Cattaraugus County, N. Y. His father, John Hooker, was a native of Vermont, and his mother, Philena Waterman Hooker, a native of Massachusetts. He was reared on his father's farm, in Cattaraugus County, and was educated at the Forestville Academy, from which he graduated in 1875, after which he undertook the study of law with the late John G. Record, of Forestville. He was admitted to the Bar of the Supreme Court, in 1879, and practiced law in Chautauqua County until he removed to the West, in the year 1882. In 1879, he was elected special Surrogate of Chautauqua County; in 1884, he returned to Western New York and began the active practice of law in Fredonia, Chautauqua County, New York, where he has

resided ever since. He represented the town of Pomfret, in the years 1890 and 1891, on the Board of Supervisors.

He married Etta E. Abbey, of Fredonia, N. Y., daughter of the late Chauncey Abbey, on September 11, 1884. In the fall of 1890, at the age of thirty-two, Mr. Hooker was nominated for Congress in the Thirty-fourth Congressional District, comprising the counties of Allegheny, Cattaraugus and Chautauqua, and was elected bya large majority. He served four full terms in Congress, and resigned after an election for the fifth term, to accept the office of Justice of the Supreme Court. He was appointed Justice of the Supreme Court, by the Governor of the State, on the 10th day of November, 1898. In the fall of the year 1899, he was elected, in the Eighth Judicial District, to serve a full term. On the 8th day of December, 1902, he was temporarily designated, by Governor Odell, as an Associate Justice of the Appellate Division, to sit on the Appellate Division of the Second Department. Later, Governor Odell appointed him to serve a full term of five years on that Bench, from the first day of January, 1903, where he is at present serving. This temporary appointment was made under an amendment to the Constitution, providing for the appointment of an additional Associate Justice in that Department, and Justice Goodrich, then the Presiding Justice of that Bench, had asked the Governor for an additional Justice in that Department.

In the 54th Congress he was appointed and served as Chairman of the Rivers and Harbors Committee. Although Mr. Hooker was the youngest member of the House of Representatives when he was elected, his friendly manner, and earnest and hard work, won for him the esteem of the entire membership of the House, and resulted in his making warm and close personal friends of many of the influential National legislators. In politics, Mr. Hooker has always been a staunch Republican, and the loyal support of Chautauqua County to the principles of that party has been due, in no slight measure, to the zealous work of himself and his friends while he was actively in political life.

APPELLATE DIVISION, SECOND DEPARTMENT.

The History and Biographies of the Second Department have been completed up to a previous date. The same is continued up to the recent appointments of Mr. Justice Adelbert P. Rich, of Auburn, New York, of the Seventh Judicial District, and Nathan L. Miller, of Cortland, New York, of the Sixth Judicial District. The biographies of these two Judges will appear in the Biographies of the Justices of the Seventh Judicial District and the Fourth.

HON. WM. J. GAYNOR,

Appellate Division, Second Department,
Second Judicial District.
Trial Division, 1894—1906.
Appellate Division, 1906—Still Serving.

Mr. Justice Wm. J. Gaynor was born at Whitestown, Oneida County, New York, in 1851; educated at Whitestown Seminary and in Boston; went to Brooklyn from Boston; studied law in Brooklyn, supporting himself on newspaper work; admitted to the Bar in 1876, and began practice in Brooklyn; frequently wrote articles on legal subjects; Judge Advocate on General McLean's staff, Second Brigade, National Guard, 1890; assailed the rings in the Democratic party, and aided in the conviction of John Y. McKane, in election fraud cases; has a very large practice; devoted himself to civil practice, but defended several noted murder cases.

Elected Justice of the Supreme Court, in the Second Judicial District, as candidate of Republicans and Independent Democrats in 1893; Democratic in National

politics; declined Democratic nomination for Governor in 1894 and 1902; also declined nomination for Judge of the Court of Appeals in 1894; declined nomination for Mayor of Brooklyn in 1896, and of New York City in 1905. He has persistently refused to return to politics, being absorbed in his judicial work. The report of the Commission on the Laws delay showed that he tried more cases and had a smaller percentage of reversals than any trial judge in the Greater New York. Is very independent of party lines. When Judge Willard Barlett was transferred to the Court of Appeals, he was designated by the Governor as an Associate Justice of the Appellate Division, and is serving on that Bench; has the reputation of great fearlessness and independence on great public questions. Frequently speaks on economic subjects, but takes no part in politics.

HON. NATHAN LEWIS MILLER,

Appellate Division, Second Department,
Sixth Judicial District.
Trial Division, 1894—1903.
Appellate Division, 1904—Still Serving.

Hon. Nathan Lewis Miller was born October 10, 1868, in Solon, Cortland County, New York; son of Samuel and Almira (nee Russell) Miller; was educated in the Groton Union School, at Groton, New York, and the Normal School at Cortland, New York, from which latter he graduated in June, 1887; taught school while studying for the Bar until admitted to the Bar in November, 1893; School Commissioner First District, Cortland County, January 1, 1896, to January 1, 1900; Corporation Counsel for the City of Cortland 1901-1902; member of the firm of Dougherty & Miller at Cortland, New York; State Comptroller for the

State of New York January 1, 1902, until appointed by the Governor, November 10, 1893, to the Supreme Bench, Sixth Judicial District, to fill a vacancy; elected for a full term, and took his seat January 1, 1904, which expires January 1, 1918.

December 19th, 1894, he was designated by the Governor as an Associate Justice of the Appellate Division, Second Judicial Department, where he is still serving.

He married Miss Elizabeth Davern, of Marathon, New York, November 23, 1890.

HON. ADELBERT PETTY RICH,
Appellate Division, Second Department,
Seventh Judicial District.
Trial Division, 1899—1904.
Appellate Division, 1904—Still Serving.

Judge Adelbert Petty Rich, born in Cato, New York, May 16, 1860, where he was educated. He was a son of Frank Rich, of Cato, Cayuga County, New York, and a grandson of George Reed Rich, of the same place, both members of the Cayuga Bar. After his graduation he studied law in the offices of his father and grandfather. He was admitted to the Bar in 1882; President of the Board of Education of Cato, New York, 1882-1883; was Special County Judge of Cayuga County 1884-1887; was District Attorney of Cayuga County 1888-1894; elected Justice of the Supreme Court in 1899; designated to sit in the Appellate Division of the Second Department, 1904. Judge Rich married Ida May Chase, and resides with his wife and five children in the City of Auburn, New York.

[*To be continued.*]

PRACTICAL SUGGESTIONS FOR THE PREVENTION OF TUBERCULOSIS AMONG CHILDREN.

BY EMILY NOBLE, SAN FRANCISCO, CAL.

Member of Pacific Coast Press Association; Author of "A Method for the Millions" (The Key to Physical Regeneration).

Gentlemen:

I am glad, through the courtesy of Clark Bell, Esq., to have the honor of speaking today before the distinguished members and visitors of The American International Congress on Tuberculosis, meeting this year in New York.

It must be understood I am not speaking as a physician —my work is in the lecture field. And I am not here to present any new fad, or discovery, or theory, of my own; but I feel well qualified to offer a few practical suggestions for the prevention of pulmonary troubles among children. I am a mother, and I have made a long sojourn in India, a country that boasts of four hundred millions of inhabitants, among whom Tuberculosis of the lungs is comparatively rare, because children are taught the daily habit of full lung inhalation, and rythmic breathing, as a religious duty—and this in a country, where lack of water and proper sanitation make it one of the most undesirable on earth.

Luther Burbank (the wizard of plant life) says: "If mankind would seriously devote itself to its own physical regeneration, the human race would not only be freed from all disease, but most forms of crime would be eliminated."

And it is a step in the right direction, that a committee has been formed in one of the departments at Washington, for the study of eugenics (the science of generative or pro-

Read before the American International Congress on Tuberculosis, at Hotel Astor, New York, November 16, 1906, in the department of Preventive Legislation against Tuberculosis.

creative development in the human race through improved conditions in the relation of the sexes.)

Under all conditions, the normal baby is born breathing with the natural law of expansion and contraction, which puts him in touch with the rhythm of the universe.

The people of the Western Hemisphere have lost this rhythm, and they not only allow the children to lose the natural method of breathing, but themselves reverse nature's process.

Rhythmic breathing is the secret of the quiet nerves, the calm stoicism, the dynamic energy, and splendid physical endurance in both sexes of the Oriental races. It is the birthright of the newly born, and fortunately, with an hour's tuition can be re-established in the adult.

It was my good fortune to be sent from San Francisco to India in the year 1900 on important investigation work connected with light and electro-therapeutics, in their relation to disease peculiar to the tropics. I went with my mind full of all the old time prejudices against the "poor, benighted Hindu." And I got my first disillusion at the Madras Station, where I was met by a native gentleman, who spoke better English than myself. And I soon became convinced that what we, in this country, know of India, from the Missionary point of view, is no more representative of that ancient country, than it would be if one should take the worst features of the slums of New York City, and call it America.

In a pamphlet recently published by a lay organization in a large city—for the use of teachers on the prevention of Tuberculosis, one reads: "The struggle with Tuberculosis demands the mobilization of all social forces, public and private, official and voluntary," and the statement is made that Tuberculosis is not hereditary, contagious, or incurable; then follow some suggestions with regard to diet, habits, and care of the consumptive; street cleaning; and methods for prevention, etc. And yet, although these instructions are issued for the use of school teachers, not a word is said, or suggestion made, as to correct breathing for children—the only really scientific key to the prevention of pulmonary troubles and Tuberculosis generally.

It is a well established fact that even in these days every child is born using its full lung capacity. It loses

this power in its early school days, through lack of care and training on the part of its parents and teachers, and as a consequence, it grows us using only about one-sixth part of its lung capacity. Unfortunately, through lack of knowledge, the parents and teachers are doing no better than the children in the matter of breathing, the majority of them using their upper chest breath instead of the full lung rhythm. The rhythmic breath, which everyone is born with, means a constant, though unconscious rhythm of the whole body, by which the lungs gain more elasticity, and a rhythmic descent of the diaphragm is compelled with every breath. This is the only natural breath, it moves every internal organ, controls the circulation of the blood, and enables the lungs to eliminate, without undue chest expansion, about thirty per cent. of the waste material of the body in the form of poisonous vapor, which is constantly generating in the system through its elctrochemic processes. There are only two sources of life—food and air—and breath controls them both.

Respiratory exercise and correct breathing is an absolute preventive of pulmonary troubles.

It is only about twenty-five years since the tubercle bacillus was discovered. Possibly, in this age and day of constant scientific investigation and discovery, we are attaching too much importance to the germ theory of infection, and too little significance to resistance to disease, which in normal health is a matter of self-cultivation.

Mitchenkoff in his book, "The Nature of Man," endeavors to solve the problem of old age by calling our attention to the phagocytes which exist from birth to death in the human body in uncountable numbers, and whose function in the "house fashioned for man" make them "the scavengers of the human system." In normal health these phagocytes kill all the invading disease germs and devour them. A part of their function also is to rebuild impaired tissues and to prevent the entrance of disease germs into the blood stream. When by correct breathing and dieting we keep the blood normal in its quality and activity, we give the phagocytes less to do, and can thus utilize their energy in the cellular nutrition of the body and give ourselves no anxiety about the advancing years.

In the upbuilding of the human body man has more hidden forces to contend with than mere bacteria. He has within himself electro-chemic processes in constant activity which are stupendous in their complexity.

Brunton says, in his "Lectures on the Action of Medicines," that "the saliva in some stages of disease in man is as poisonous as the venom of a serpent, and that the juices of various human glands, when injected directly into the blood, will kill an animal as quickly as a rifle bullet."

The real prevention and cure of pulmonary trouble lies not so much in fighting bacteria as in controlling and fortifying the cellular process of body-building against its invasion.

It is only in cases of debilitated or impaired nutrition that infection from any source is possible.

When the great American orator, Robert Ingersoll, was asked, "What is life?" he said, "I don't know. Ask some bright clergyman. Wise men have given up that riddle."

When theearliest known Buddha, or teacher, is India, was asked, "What is life?" He replied: "Beneath is life, and the greatest of all miracles is breath, because life itself only exists from one breath to another. He who only half breathes only half lives, but he who breathes the rhythmic breath, and establishes an interval between one breath and another, is in rhythm with the Tatwas (universal etheric vibration), can prolong his life, and control his nerves and circulation."

These immutable truths were made a part of the Oriental religion by their great law-giver, Manu, and to this day deep breathing and nerve energizing form a part of the daily religious observance of every devout Hindu.

Their daily early morning sun worship (so called) was instituted, at the beginning of their history, in order that health culture might become a daily habit.

The Hindus teach that all disturbances to health of an ordinary nature arise from an imperfect knowledge of the "Tatwas," meaning that which exists in etheric vibration, and which, every moment of time, is constantly set in motion in atmospheric space by chemical energy, for the creation of vital principles which are the source of life in all creation.

Their ancient literature teaches that the elements held in etheric vibration correspond exactly with the elements of which the human body is composed. They call this "prana," or vital energy, and demonstrate that, by correct inbreathing, a perfect equilibrium of health and nerves can be maintained.

How necessary, then, to have our children taught something of the marvellous phenomena, of momentary occurrence, in their own bodies; of the origin of the two sources of physical life, and how correct and natural breathing controls them both, and that normal health is a matter of self-building.

Let us, too, teach the rising generation of human toilers that, if they must crowd into big cities to fill the demands of corporations for labor, to exact a rightful claim to decent housing, and a goodly supply for bathing purposes, hygienic environment, and less adulteration in food, better ventilation in the workshops, shorter hours for women and children, more open spaces for children's playgrounds, and, above all, to claim that the health departments of big cities prevent the awful menace to health by pollution of the atmosphere, caused by dust, filthy streets, noxious gases, and the use of bituminous fuel. Ways and means for full cumbustion of fuel are cheap, and railroad authorities, manufacturers, and others, should be compelled by law to do their share in cleaning up the lungs of the city that the lungs of the children may have fair play.

In conclusion, I want to remind my hearers how short is the span of human life, and how gladly we should welcome and investigate fairly any practical method for the alleviation of pain and the possibility of prolonging the days of human life, for many of the modern-day discoveries are founded on a knowledge of the laws of nature, and on immutable truth, and will be benefitting new races when even the pyramids of Egypt shall have crumbled into dust.

INFECTION AND IMMUNITY.

THE BLOOD IN ITS RELATION TO INFECTIOUS DISEASES.

BY CLARK BELL, ESQ., LL. D.,

Presented to the American International Congress on Tuberculosis November 16th, 1906, at New Pork.

The discoveries of Koch was the vestibule to the great medical world of the infectious diseases to which mankind is subject.

We no sooner located and specialized the bacilli, than we sought for immunity.

The blood became the most important factor in tracing the origin and the existence of a special disease, and a study of blood corpuscles was the royal road to knowledge.

The blood was the battle ground between the bacteria of disease and the phagocytes; and immunity was with the latter in the success with which it destroyed the forerunners of infection.

The anti-toxin treatment of infections diseases no sooner sat securely on the throne, in treatment, than we became students of anti-toxin.

The experiments in tetanus, in diphtheria, and other sources of infection, paved the way for the anti-toxins and serums of immunity. We listened to Metchinkoff, of the Pasteur Institute of Paris, as to the work and action of the bacteria with profoundest interest and attention.

Laymen were students of it, months before they were allowed to say one word concerning it.

The New York Herald shows between the lines of its recent issue of September 29th the interest taken by the lay-

HON. JOSEPH W. FOLK,
Governor of Missouri,
Honorary Vice President of the American International
Congress on Tuberculosis.

men in the world of science, in these questions. They modernize the problems, which are now agitating the field of scientific research.

The American International Congress on Tuberculosis must discuss all questions arising in the conflict which man is conducting to combat the advances and miminize the loss of human life in this struggle, that enlists the philanthropist, the jurist, the medical man, the sociologist, the statesman and the legislator, as to what steps can be taken by legislative action to reduce the volume of the ravages of this gigantic destroyer of the human race, Tuberculosis.

We quote the New York Herald:

THE NEW PROTECTIVE POWER AGAINST INFECTIOUS DISEASES.

Now we have a new theory added to the many regarding the anti-toxic treatment of infectious diseases. Heretofore anti-toxin in itself was supposed to explain everything so far as the counteraction of a special poison was concerned. By and by it was discovered that immunity was really due to a very complicated process in the blood whereby numerous so-called anti-bodies were produced which acted conjointly in overcoming the enemy.

As it was conceded that the poison, or toxin, given off by the bacteria did the principal mischief, the aim was to neutralize these products by some opposing agent that would make the individual ultimately immune.

The theory of the treatment of diphtheria is based on this assumption. By inoculating a horse with the diphtheria virus in doses of progressive strength the resistance of the animal to the poison finally became such that he ceases to react against the most virulent dose. Then his filtered blood containing the developed anti-toxin is transferred to the diphtheria victim, who was thus transformed into a likewise immunized condition.

But whatever way this was actually accomplished the practical fact remained that the diphtheritic patients were uptimately cured by the treatment. The discovery of the serum for the treatment of tetanus was also based on the same principle.

The reason why some individuals escaped contagion or affection was explained by the assumption that the suitable anti-toxin of the blood were already there in sufficient quantity to ward off the attack. Hence such was naturally immune.

It was also contended that these anti-bodies which combated the poisons in the blood not only neutralized the poisons given off by the various intruding bacteria, but destroyed the bacteria themselves.

Besides this it was claimed by Metchnikoff, the present illustrious chief of the Pasteur Institute of Paris, that the bacteria were demolished by the special action of the white, or lymph, corpuscles of the blood—that is, actually devoured by them—and hence the significant term of phagocytes was applied to them. He demonstrated this action by various convincing experiments, and his theory, so far as it goes, is quite universally accepted by the various scientific observers here and abroad.

Now it comes about to explain why these phagocytes do not attack the enemy by some given rule, for in some cases it is admitted that they are either insufficient in number or do not act to any desirable purpose.

Of course it was necessary to show the why and wherefore. The theorists then came to the front again and much argument was expended, with the result of making confusion worse confounded. Professor Ehrlich, of Germany, launched his chain theory of "infection and immunity," which, ingenious and logical as it appears, is far from accounting for all the phenomena and tended not a little to add to their complexity.

But all this time the scientists have been making due progress. At last they have discovered an entirely new vital property in the blood, which they claim is of the utmost importance in reconciling all previous difficulties in explaining the protective power of immunity. This new substance is opsonin. As its name indicates it is a caterer. In other words, it is supposed by its action on the bacteria to give them sufficient flavor or other preparation to tempt the phagocytes, or devouring white blood corpucles, to do their full duty.

If by examining the blood it is discovered that there is enough opsonin present to insure the destruction of a maximum amount of bacteria, the individual is considered to have good opsonic power. If not, the aim is to develop such power by vaccinating the infected individual with the dead bacteria of the special disease and thus increase his so called opsonic protection against further inroads.

So far limited experimentation is very encouraging. Allowing the theory to be correct, the newly discovered opsonic power of the individual may lie at the bottom of all prevention and cure of infectious diseases.

The role of journalism is not yet fixed or fully opened in this momentous struggle.

The layman is a factor in this conflict.

It is clear that men of all professions must enlist in this conflict. It is not a medical question per se.

The press of the country is one of the great forces that is to be of great influence and an immense power for good, in finding the best way and road to victory—for those who seek to avert this great peril to the human race.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS IN JOINT SESSION WITH THE MEDICO-LEGAL SOCIETY OF NEW YORK.

ADDRESSES OF WELCOME AT THE OPENING CEREMONIES AT THE HOTEL ASTOR, NOVEMBER 14, 1906, AT 10 O'CLOCK A. M.

BY THE HON. CLARK BELL, LL. D.,
President of the Medico-Legal Society of New York, and Treasurer of the Congress and Secretary of Its Council.

Fellows of the Medical-Legal Society of New York, Delegates and Officers of the American International Congress on Tuberculosis:

gress on Tuberlosis; Delegates from the Foreign Governments, sent to represent the Government of both North, South and Central America at this Congress, in response to our invitation forwarded by the American Secretary of State, requesting your Governments to send delegates to this Congress, expressing in the highest and most splendidly sympathetic language; the profound interest of the people and the Government of the United States in this conflict with that deadly foe of the Human Race:

It becomes my duty to welcome you, with our warmest cordiality as you come from your homes in all quarters of this wondrous world of the West, to discuss with us the foremost question of the hour, in the interest of humanity of philanthrophy, and of the welfare of the human race the most momentous question in Forensic Medicine that has been presented to the learned professions in the recent history of mankind.

This Congress meets again after two years' study of these great questions at the St. Louis Exposition of 1904.

The same questions confront us. We have placed them again on the list of the great problems of the hour, first and foremost is the primal, the greatest of all the questions at issue:

1. Preventive Legislation against Tuberculosis.
2. The Relation of Insanity to Tuberculosis.
3. The Pathology and Bacteriology of Tuberculosis.
4. State and Municipal Sanitoria.
5. Electricity and Light in their Relation to Tuberculosis.

We meet to take counsel together, to study the subject as it has manifested itself in the various countries and in our American States, and on the Continent of Europe.

A large number of the newly elected Governors of the States of the American Union have interested themselves in these questions, enrolled under our banner, and have accepted the positions of Honorary Vice Presidents of this Congress. Most of them have appointed delegates to attend this Congress. Among them are:

Governors of the American Union States.

Ex-Governor John J. Brady, of Alaska.
Governor Joseph H. Kibbey, of Arizona.
Governor George C. Pardee, of California.
Governor Jesse F. McDonald, of Colorado.
Governor Henry Roberts, of Connecticut.
Governor Edward W. Roch, of Kansas.
Governor Newton C. Blanchard, of Louisiana.
Governor Joseph W. Folk, of Missouri.
Governor Herbert J. Hagerman, of New Memico.
Governor Frank W. Higgins, of New York.
Governor Robert B. Glenn, of North Carolina.
Governor George E. Chamberlain.
Governor Samuel W. T. Lenham, of Texas.
Governor John O. Cutler, of Utah.
Governor Claude A. Swanson, of Virginia.
Governor William M. O. Dawson, of West Virginia.
Governor J. O. Davidson, of Wisconsin.
Lt. Governor D. A. Mackinnon, K. C., of Prince Edward Island, Canada.

Lt. Governor L. A. Jette, of Quebec.

More than thirty of the Governors and Ex-Governors of other American States are in active sympathy with our work and retain the position of Honorary Vice Presidents of the body.

That learned Physician of Austria, Prof. Moritz Benedikt has sent a contribution to our work.

Prof. Dr. Otto Von Schroen, of the Royal University of Naples, whom I recently asked to contribute to the Department of the Pathology and Bacteriology of Tuberculosis any recent advance and discovery he has made as to Phthisis of the lung and the Phthisiogenous Microbe of the lung, has cabled me and I received it yesterday that he has sent forward his communication with additional illustrations which I feel sure will make a valuable contribution to this branch of scientific research and inquiry.

We have delegates present from the Spanish American Republics of South and Central America and the American State Department has advised us that Costa Rico, Ecuador, Guatemala, Honduras, Hayti, Mexico, San Domingo, will send delegates, and from the Governor of the North Western Provinces of the Dominion of Canada.

It is a source of great pride and pleasure for members of the Medico-Legal Society to sit as your guests, in joint session with the American International Congress on Tuberculosis, in the Metropolitan City of New York, on such an occasion, on the sixth year and fifth session of this body founded under its auspices.

GREETING.

BY DR. A. N. BELL,
Honorary President.

Fellow Members and Friends of the International Congress on Tuberculosis:

I greet you with unalloyed pleasure as co-workers in an organization based upon an intelligent appreciation of the conditions common to infectious diseases and particularly to Tuberculosis. And the more because while recognizing the causative relation of the tubercle bacillus, discovered by Koch in 1881, and the impetus and direction which that discovery has given to the study, cure and prevention of Tuberculosis, we should be mindful of the effects of the war on dirt that began in England on the advent of cholera there, in 1831, by which coincidently with the reduction of mortality from other diseases, from that time to 1881, the mortality from Tuebrculosis was reduced one-third from what it was when the war began. The death rate of London and other large cities of England in 1831 was about 25 per 1000, of which one-eighth was attributed to Tuberculosis. During the fifty years interval to 1881, the death rate was reduced to 19 per 1000 and deaths from Tuberculosis correspondingly. Since 1881 the death rate has been reduced to about 15 per 1000, the ratio of deaths from Tuberculosis to the total motality continues nearly the same, about one-ninth.

In the "Journal of Hygiene" for October, 1903, Arthur Newsholme, Medical Health Officer of Brighton, shows that since 1881 the death rate from Phthisis has declined for males 18.2 per cent., for females 36 per cent. Other tubucular diseases during the same period have declined for males 20 per cent., for femaies 17 per cent. The reasons given for this general diminution in the death rate from

Tuberculosis are improved house construction, improved habits of the people, diminished overcrowding, improvement in quality and quantity of food, and improved industrial conditions. Noting these facts, he says, "it can easily be understood why the death rate among women has diminished more than among men, viz., the great improvement in the home and its environment."

The organization of the National Association for the Prevention of Consumption in London in 1900, composed of physicians, lawyers, scientists, men of affairs and power was evidently based upon a just appreciation of the conditions of Tuberculosis and the need of a more comprehensive and more igvorous contention against them. The first American Congress on Tuberculosis, in 1901, and those since, including the International at St. Louis, in 1904, and this, have followed the same lines as the British Association, more and more elaborated, to meet and act upon every possible means of resisting and destroying man's most deadly foe, tubercle bacillus.

Bacteria, the class of micro-organisms, to which the tubercle bacillus belongs, are of universal distribution in myriads everywhere, fulfilling more or less completely their evident and, for the most part, beneficent purpose in the economy of nature; promoting the transformation of dead and decomposing organic matter on which they live, into its original elements by their ingesta. Different groups and races have different habitations and possess specific properties, widely different in their effects with relation to their environment and hosts.

The tubercle bacillus of our contention is apparently a fair specimen of capacity. By the most recent investigations of its natural history, it is revealed as a mould-like parasite closely related to the ray-fungus,—of a nature suggestive of the most favorable conditions for its existence and propagation. It thrives better in darkness and dampness than in light and dryness, is especially vulnerable to, and least resistable by, persons of unsound health. When it gains lodgement in a body suited to its growth it multiplies enormously, poisons the tissues and produces tubercles. These quickly break down and disintegrate into sputum, and this, when cast off, is loaded with bacilli.

The bacilli of sputum are of feeble vitality, indeed, many are dead, and if freely exposed to the air and sunlight, are soon entirely destroyed. It should be the constant purpose of invalids with Tuberculosis, and all care-takers to secure the destruction of tuberculous sputum while it is moist, to avoid its being spattered on the clothing or bedding, never to risk its becoming dried into dust, because it is by that means the bacilli are disseminated into the air, wafted into recesses favorable to their vitality and liability to propagation.

Many biologists believe that it is by the sputum only that pulmonary tuberculosis is propagated, and that the bacilli have no lurking or growing places in nature, outside of the bodies of men and a few warm-blooded animals. However this may be, wherever man has found an abiding place and become neglectful of healthful conditions, he has been found subject to pulmonary tuberculosis. Indeed, so universal is the distribution of tubercle bacilli, that they cannot be escaped or their inhalation prevented. Their presence everywhere is shown by their vulnerability to persons in feeble health. But there should be no lack of care to prevent their dissemination by every available means possible—as generally practiced by intelligent care-takers and health authorities against expectorating upon floors or streets or elsewhere, except into receptacles with a view to the destruction of the sputum while it is moist; and like care against the spattering of the sputum of the sick, by which the clothing, carpets and other furniture, and the room throughout are liable to infection. Yet, aside from the reduction of mortality of Tuberculosis by the greatly improved treatment of the disease in sanatoriums, where the regulations against the dangers of sputum are rigidly enforced, there is no evidence of the reduction of the mortality from Tuberculosis other than what may be justly attributed to the work accomplished against the conditions of their existence in conflict with vigorous health—personal and public—in short, except by the culture and maintenance of the power of resistance to tubercle bacilli.

The conditions of Tuberculosis in the United States have been, and are still, remarkably similar to those of England, of which the City of New York is a signal illustration. The

reduction of mortality from Tuberculosis began here by the reduction of mortality from all causes under the auspices of the Metropolitan Board of Health, in the face of cholera, established in 1866, when the death rate was 33.30 and the ratio of deaths from Tuberculosis then as it is now, about one-seventh of the total mortality. The death rate has been reduced to about one-half of what it was in 1866, and from Tuberculosis in about the same ratio half as many, but still about one-seventh of the whole. And so it has been in other centres of population under improved sanitary methods. The aggregate death rates per ten thousand inhabitants from pulmonary tuberculosis in six large American cities for ten years, 1896-1905, inclusive, have been in New York, 24.82; Boston, 22.91; Philadelphia, 21.22; Brooklyn, 20.16; St. Louis, 17.72, and Chicago, 14.56, the lowest being that of Chicago, with lowest mortality from all causes and correspondingly from Tuberculosis, of any city in the world of more than five hundred thousand inhabitants.

TRANSACTIONS.

The American International Congress on Tuberculosis and the Medico-Legal Society of New York,

IN JOINT SESSION

AT THE HOTEL ASTOR,
Times (Long Acre) Square,

November 14th, 15th and 16th, 1906.

WEDNESDAY, NOVEMBER 14, 1906.

OPENING SESSION—10 O'CLOCK A. M.,

The American International Congress on Tuberculosis, F. E. Daniel, M. D., President, of Austin, Texas, in the chair, supported by Dr. Herbert M. Nash, M. D., of Virginia; Dr. Don Juan B. Gagliardo, Delegate from the Government of Ecuador.

The Medico-Legal Society, Clark Bell, Esq., LL. D., of New York, President, Honorary President of the American International Congress on Tuberculosis, supported by Dr. A. N. Bell, Honorary President of the American International Congress on Tuberculosis; Dr. J. Mount Bleyer, M. D., Vice President of the Medico-Legal Society.

In Joint Session.

The Congress was called to order at 10 o'clock a. m. on Wednesday, November 14, 1906, by the Hon. Clark Bell,

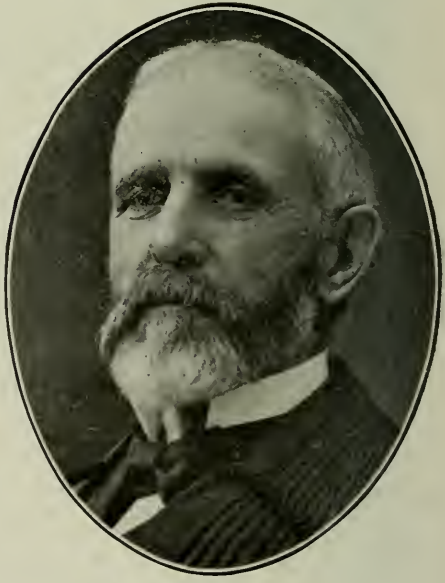
HOTEL ASTOR, NEW YORK CITY,
Where the American International Congress on Tuberculosis was held,
November 14, 15 and 16, 1905.

Through the courtesy of
WM. C. MUSCHENHEIM, Proprietor.

PROF. CHARLES H. HUGHES,
St. Louis, Mo.

PROF. DR. HERMAN KORNFELD,
Gleiwitz, Germany.

EX-JUDGE ABRAM H. DAILEY,
Brooklyn, N. Y.



HON. LUCILIUS A. EMERY,
Maine.

HONORARY PRESIDENTS AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

RE-ELECTED AT THE CONGRESS OF 1906.

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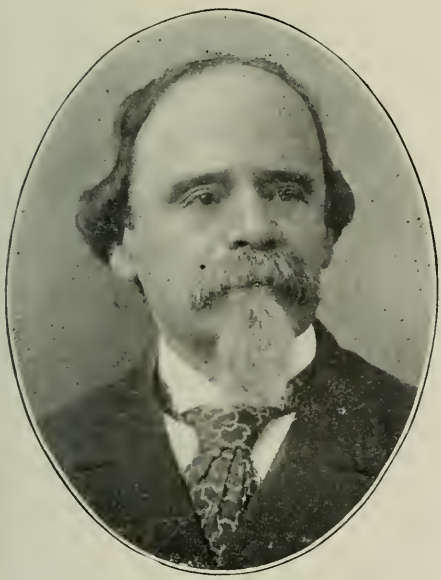
HON. PORFIRO DIAZ,
Prtsident of Mexico, City of Mexico.

HON. L. F. C. GARVIN,
Ex-Governor of Rhode Island, Providence.

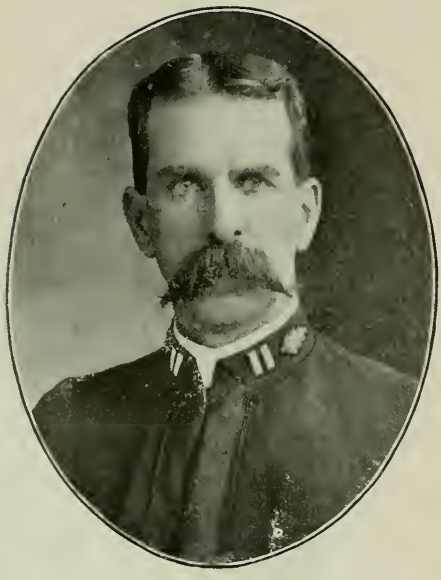


HON. SENOR IGNACIO MARISCAL,
Minister of Foreign Relations, City of Mexico.

PROF. DR. OTTO VON SCHROEN,
Royal University, Naples, Italy.

HONORARY PRESIDENTS AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

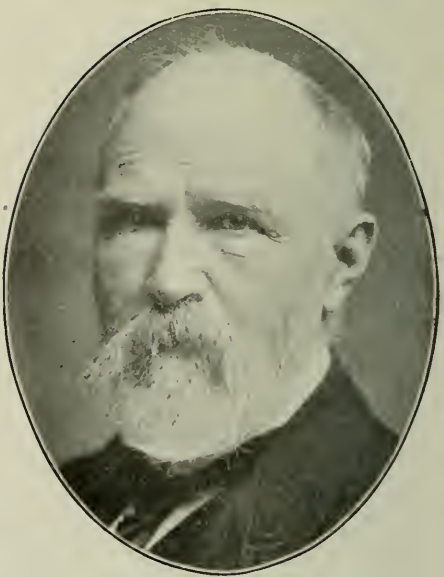
RE-ELECTED AT THE CONGRESS OF 1906.



SURG. GEN. PRESLEY M. RIXEY, M. D.,
Washington, D. C.

W. B. FLETCHER, M. D.,
Indianapolis, Ind

SURG. GEN. NICHOLAS SENN,
Chicago, Ill.



JAMES LOUDON,
President University of Toronto.

HONORARY PRESIDENTS AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

RE-ELECTED AT THE CONGRESS OF 1006.

LL. D., President of the Medico-Legal Society of New York, who introduced the Rev. Wm. E. Jefferson, of the Broadway Tabernacle Church, New York City, who offered prayer.

President Bell then made an Address of Welcome, which appears elsewhere in this issue:

It is our good fortune to have present with us on this occasion the first President of this organization, who presiding in 1900 and in 1901, has always been the steadfast and firm friend, guide and leader of the Campaign; and who has been in the front rank of this conflict with Tuberculosis; the Nestor of American Sanitorians, Dr. A. N. Bell, who still, at 84 years of age, holds aloft the standard under which we have always been mustered into the conflict with our deadly foe.

Dr. A. N. Bell then made an Address of Welcome, which appears elsewhere in this issue:

President Bell said:

It now becomes my most agreeable duty to introduce to the Congress the gentleman, who having been an early captain in the army in this conflict, made a most brilliant campaign as First Vice President of this Congress in 1904, at St. Louis.

A Physician of high character and standing in the great State of Texas, ex-President of the State Medical Society of that State; Editor of the Texas Medical Journal, who was elected at St. Louis, by unanimous action, President of the Congress, and who would now address the Congress."

Dr. Daniel then made his Presidential Address, and declared the Congress opened for the transaction of business. Dr. M. M. Smith, Secretary, and Clark Bell, Treasurer, present.

The Chair then called on those Foreign Governments represented by delegates to come forward, formally introduced them, and invited each to come to the platform, welcoming each one by name and introducing each as the delegate named by the Foreign Government, who had sent them; each made short responses in either French or Spanish, and where made in a Foreign language Mr. Clark Bell interpreted their addresses.

The Chair first introduced the delegate from Ecuador, Senor Don Juan B. Gagliardo, who spoke in Spanish in a brief reply, returning the thanks of the Government of Ecuador for the high honor of having been invited by the Congress, through the American State Department, to send delegates to this Congress. He said:

That the Government of Ecuador had accepted the invitation with pride and pleasure, and had named two delegates, both of whom had come to New York. That his associate, Dr. Louis Vivanu, had been compelled to forego the pleasure of remaining, as he was obliged to sail before this day, having come on from Paris and had reached new York too early.

He assured the Congress that the Government of Ecuador would await advices of its action with great interest, and that it would be only too glad and happy to co-operate in its work which was as his Government believed for the welfare of the race and the good of mankind

The Chair then introduced Dr. Salvator Cordova, the delegate from Honduras, who spoke in our language, and returned the thanks of his Government for the honor of being invited to co-operate in the labors of the Congress.

The Chair then presented Dr. Ramon Bengoechea, delegate from Guatemala, who made an address of thanks, which was translated by Mr. Clark Bell, and which will appear in the transactions of the Congress in our tongue.

The Chair then introduced the delegates from Hayti, Dr. Jeanty and Dr. Domond, who made brief responses in the French language, which were translated to the Congress by Mr. Clark Bell, and will appear in the transactions.

Mr. Bell read a letter from the delegate from Costa Rica, stating that he would appear before the Congress the next day, explaining that he was prevented from attending today.

The Chair then presented Dr. Corrado D'Alise, from Naples, Italy, introduced under the auspices of Prof. Von Schroen, of the Royal University of Naples, who made a response in Italian, a translation of which will appear in the transactions.

The Chair then called on delegates from the several States and delegates responded, made short addresses and reported on the progress of the work and the state of the progess of the disease in their location, and as to the work of Boards of Health and State Health Officers in their respective States.

Dr. Herbert M. Nash, Dr. J. C. Walton and Dr. M. M. Ranoe, from Virginia, made short addresses on the call of the chair.

Dr. J. W. McDonald and Dr. Lunde, from West Virginia; Dr. W. M. Cunningham, of Corona, Alabama; Prof. W. H. Brewer, of New Haven, Conn.; Dr. J. D. Roberts, of Indiana; Dr. Charles Rosenthal, of Massachusetts; Dr. Jas. A. Burroughs, of Asheville, N. C.; Dr. A. J. Reinte, of New Jersey; Dr. D. S. Weir, Dr. H. A. Barr, Dr. S. B. Rice and Dr. C. Barnes, of Texas.

Mr. Bell then moved that the Chair name Committees on Resolutions and Nominations, and that all resolutions be referred to that committee without debate.

Carried unanimously.

The Treasurer called on all delegates to register and hand in their certificates for return tickets at reduced rates.

The Convention took a recess at 1 p. m. to 2 o'clock.

WEDNESDAY NOVEMBER 14, 1906.

AFTERNOON SESSION, 2 P. M.

THE CONGRESS ASSEMBLED.

Dr. F. E. Daniel, President American International Congress on Tuberculosis, in the Chair, supported by Prof. W. H. Brewer, of Connecticut, and Dr. Ramon Bengoechea, delegate from Guatemala.

Mr. Clark Bell, President Medico-Legal Society, supported by Dr. James Moran and Signor Corrado D'Alise, of Italy.

1. Roll call of Foreign Governments, States, Provinces and Countries, with brief introductions of Representatives and Delegates and responses.

Under this order:—

The Government of Guatemala was called and Dr. Ramon Bengoechea, the delegate from that Government, responded in the Spanish tongue, and his remarks will appear in the transactions.

The Government of Honduras was called and Senor Salvador Cordova responded in English, and his address will appear in the transactions.

The Government of Hayti was called and Prof. Dr. T. J. Jeanty read a paper in the French language, of which a translation will appear in the Bulletin. Dr. Domond made an address in the French language. He is a graceful and elegant speaker and his French was excellent. We hope to be able to present a translation of his address in the transactions of the Bulletin.

Dr. Corrado D'Alise, of Naples, Italy, then presented a paper, of which a copy will appear in the Bulletin.

The delegate from Ecuador, Dr. Don Juan B. Gagliardo, read a paper in the Spanish tongue, a translation of which will appear in the Bulletin.

A paper was then read by the Secretary, entitled "Practical Suggestions to Consumptives."

Mr. Bell announced that the delegate from Costa Rica asked to be heard on tomorrow's session. Granted.

Delegates were requested to register and hand in their tickets to the Treasurer for certification.

Treasurer Bell asked the Secretary to read the correspondence between President Roosevelt and the Officers. The Secretary then read the official letter to the President and the reply to the same. read the official letter to the President and the reply to the same, which will appear in the Bulletin.

Mr. Clark Bell stated that he had received the following communications as Secretary of the Council, which were read, ordered filed with the Secretary of the Council, and published in the transactions:

1. One from Dr. W. W. Ireland, of Edinburgh.

2. One from President Porfirio Diaz, of Mexico.

3. One from President Costa Amao, of the International Medical Congress of Lisbon.

4. One from Dr. A. Motet, of Paris.

5. A paper from Prof. Dr. Moritz Benedikt, of Vienna, which was ordered published in the transactions.

6. A cable from Prof. Dr. Otto von Schroen, of the Royal University of Naples, Italy, stating that he had sent a paper with 33 illustrations on the Phthisiogeneous Microbe of the Lung, for the consideration of the Congress, as supplementary to his address made at St. Louis in 1904.

7. Letters from Governors of States and others of sympathy with the Congress and its objects.

These were referred to the Secretary of the Council, who was authorized to embrace such of the same as would be in his judgment of interest to be embraced in the Bulletin too voluminous to be read or inserted in the transactions in full.

THURSDAY, NOVEMBER 15, 1906.

MORNING SESSION 10 A. M.—SECOND DAY.

President F. E. Daniel in the Chair, supported by Dr. J. C. Walton, of Chase City, Virginia, and Dr. Salvador Cordova, Delegate from Honduras.

Clark Bell, Esq., President of the Medico-Legal Society, supported by Dr. T. D. Crothers, of Connecticut, and Juan J. Ulloa, Delegate from Costa Rica.

The Chair announced that the session will be under the Section on Preventive Legislation, in charge of that Standing Committee, Hon. Clark Bell, Chairman, who will make an address and present a paper for discussion, limited to five minutes on same. Contributions on same theme.

Mr. Clark Bell took the Chair as Chairman of Standing Committee on Preventive Legislation.

He read the paper that had been ordered by the Council to open the discussion as read before the International Medical Congress at Lisbon, and the International Congress on Anthropology at Turin, and before the Medico-Legal Society, which was published in the June Number of the Medico-Legal Journal at page 74, with additional remarks, and which will appear in the Bulletin as an addition thereto.

Remarks were made by Dr. Jno. Roy Williams, of Greensboro, North Carolina; Dr. D. T. Crothers, Dr. M. M. Smith, Dr. F. E. Daniel, Col. S. L. Bean and others.

Emily Noble, of San Francisco, Cal., then read a paper, as a part of the discussion, which was ordered printed in the Bulletin.

Mr. Bell moved the resolutions printed in the paper in the same form as presented to the St. Louis Congress of 1904, by himself, and as published in the Bulletin of 1904.

Mr. Bell asked this Congress to again pass upon them.

Referred by the Chair without debate to the Committee on Resolutions.

It was moved that the second order of Friday's business, "Light and Electricity," be taken up on the afternoon of November 15th, to accommodate the Chairman, Dr. Bleyer, and Dr. M. K. Kassabian, of Philadelphia. Carried unanimously.

Under roll call of Foreign Governments, Costa Rica was called and the Delegate from that Government, Dr. Juan J. Ulloa, made an address, which will appear in the Bulletin.

Dr. T. D. Crothers read a paper on "Alcohol and Tuberculosis."

Dr. F. T. B. Fest, of Las Vegas, New Mexico, read a paper, entitled "Mountain Climate in New Mexico."

Dr. L. J. Reinte, of Summit, New Jersey, read a paper.

Dr. Charles A. M. Ende, of New York, read a paper.

The paper of Dr. Nellie Klein, of Texas, was read by the Secretary, entitled "Tuberculosis of the Skin."

The following papers were read by title in the absence of the authors:

Dr. J. Adolph Gottlieb, of New York, "Public Problems in the Prevention and Cure of Tuberculosis."

John Guy Monihan, Esq., Editor Medical Examiner, of New York, "The Relation of the Insurance Companies to the Crusade against Tuberculosis."

Dr. W. Benham Snow, Assistant Editor Journal of Advanced Therapeutics, of New York, "Radiant Energy in the Treatment of Tuberculosis."

Dr. Denslow Lewis, of Chicago, Ill., "The Relation of Sexual Diseases to Tuberculosis."

Dr. Daniel then offered the resolutions which had been before the Congress at St. Louis, as printed in the Bulletin of that Congress, reading from the Bulletin of the Congress of 1904.

By Dr. Denslow Lewis, of Chicago:—

Resolved, That a special Committee be appointed to investigate the relation between venereal disease and general or local tuberculosis.

Referred to the Committee on Resolutions without debate.

The Chairman then announced the following Committees on Resolutions:

Dr. J. Mount Bleyer, Chairman, of New York.
Dr. J. Beverly De Shazo, of Ridgway, Virginia.
Dr. Charles Rosenthal, of Boston, Massachusetts.
Dr. Juan J. Ulloa, of Costa Rica, now of New York.
Dr. C. B. Raines, of Mineral Wells, Texas.
Dr. G. D. Lind, of New Richmond, West Virginia.
Dr. Domond, or Port-au-Prince, Hayti.
Dr. Edward A. Staab, of Santa Fe, New Mexico.
Dr. Jno Roy Williams, of Greensboro, North Carolina.

Also on Nominations:

Dr. J. C. Walton, of Chase City, Virginia, Chairman.
Dr. T. D. Crothers, of Hartford, Connecticut.
Dr. James A. Burroughs, of Asheville, North Carolina.
Dr. J. W. McDonald, of Fairmount, West Virginia.
Dr. W. M. Cunningham, of Corona, Alabama.
Dr. Wallace J. Durel, of New Orleans, Louisiana.
Dr. Charles Rosenthal, of Boston, Massachusetts.
Dr. E. T. B. Fest, of Las Vegas, New Mexico.
Clark Bell, Esq., of New York.
Dr. Ramon Bengoechea, of Guatemala, now of New York.
Dr. T. J. Jeanty, of Port-au-Prince, Hayti.
Dr. Corrado D'Alise, of Naples, Italy.
Dr. M. M. Smith, of Austin, Texas.
Dr. J. D. Roberts, of Terre Haute, Indiana.
Mrs. Emily Noble, of San Francisco, California.
Dr. Mihran K. Kassabian, of Philadelphia, Pennsylvania.
Dr. Juan J. Ulloa, of Costa Rica, now of New York.
Dr. L. J. Reinle, of Summit, New Jersey.
Dr. Salvador Cordova, of Honduras, now of New York.

The Congress took a recess till 2 P. M.

THURSDAY, NOVEMBER 15, 1906.

AFTERNOON SESSION, 2 P. M.

Dr. F. E. Daniel, President, in the Chair, supported by Dr. Corrado D'Alise, Delegate of Italy.

Mr. Clark Bell, suported by Dr. J. Mount Bleyer, of New York, and Dr. M. K. Kassabian, of Philadelphia, Pa.

On motion, "Light and Electricity," was made the special order by unanimous consent, Dr. J. Mount Bleyer, Chairman Standing Committee, in the Chair.

Dr. J. Mount Bleyer read his paper, "Light and Electricity in their Relation to Tuberculosis."

Dr. M. K. Kassabian, of Philadelphia, Pa., read his paper, entitled "Roentgen Ray Diagnosis and Treatment of Pulmonary Tuberculosis."

2. "The Pathology and Bacteriology of Tuberculosis." Discussion limited to five minutes, was then taken up, the President, F. E. Daniel, in the Chair.

Mr. Clark Bell presented a cable from Prof. Otto von Schroen, of the Royal University of Naples, Chairman of that Standing Committee, just received, stating that this paper had been forwarded with the photographs and stated that the paper had not reached Mr. Bell's hands.

Mr. Bell moved that if the paper reached the Secretary of the Council in time it be read before the Congress, that it be read later. If it did not that it be read by title and printed in the Medico-Legal Journal and Bulletin, and the photographs be reproduced and the same published in the Medico-Legal Journal and in the Bulletin of the Congress. Carried unanimously.

The Relation of Insanity to Tuberculosis was then taken up and Mr. Bell presented the paper of Dr. Thomas Bassett Keyes, of Chicago, which was read by the Secretary, in the absence of the author.

Mr. Bell stated that he desired to discuss this paper and the paper that had been read and the address, as did other members, but that the time devoted to the Congress did not now permit it and asked leave for himself to present his views; and that other members should have the right to submit their views in discussing all papers and addresses after the session to go into the transactions and the Bulletin.

Mr. Bell moved that it be so ordered by the Congress, which was carried unanimously.

Mr. Bell stated that the appointment of delegates had in some instances been made so late as not to give members and delegates time to either attend or contribute to the Congress.

That under the circumstances he thought contributions should be solicited on the standing themes, and on all papers before the Congress, to be contributed after the session; and he moved that such contributions might made, at any time before the Bulletin was published, if approved by the Committee on Papers, to be sent to the Editor of the Medico-Legal Journal and Secretary of the Council. Carried unanimously.

Attention was called to the Dinner at 7 P. M., and members were asked to attend it.

The Congress took a recess to 10 A. M. of November 16.

[*To be continued*]

DISCUSSION OF MR. CLARK BELL'S PAPER ON PREVENTIVE LEGISLATION AGAINST TUBERCULOSIS.

BY DR. T. D. CROTHERS, OF CONNECTICUT.

Mr. President:

I am very much impressed with Mr. Bell's most suggestive presentation of the Medico-Legal aspect of this subject. There can be no question of the necessity of creating an interest in the possible preventive measures, and it certainly is progressive and spirited for the Medico-Legal Society to take up this subject. While the profession are indifferent, they seem to show more interest in local remedies and questions of treatment, the laity including all professional men except doctors, should be instructed and made to understand the gravity of the situation. Health boards should be given more authority to include tuberculosis among the contagious diseases, and treat them with due respect to the interests of the public as well as the individual. The person who becomes a victim must be taken out of his environment and placed in the best conditions for restoration, this involves many legal questions of property, infection and danger to others, as well as to himself. Should such a person marry while suffering from the disease? Should such a person continue a business that is likely to communicate the germs from which he suffers? And what should be the attitude towards such persons? These are vital questions which the legislatures must consider, and the lawyers must settle. This address should awaken an interest in every community and we owe the author a debt of gratitude for calling attention to this neglected field.

PREMATURE BURIAL.

BY C. A. DIETRICHS, ESQ., OF NEW YORK.

For time unknown there has been a fear of being buried alive in our minds, while premature burials have been known for ages. The number of undiscovered cases in the past and present we do not know, but they must be large. Science has been striving to avoid such occurrences, but with all our known methods it does not entirely prevent the same.

We are sometimes unable to be sure that death has actually occurred. Certain tests of death are difficult and cannot always be relied upon. It is however desirable to avoid in all possible way a premature burial.

Of late years, in a few instances, governments have erected buildings (for example, at Munich and Weimar, in Germany) for the purpose of observing the dead for a few days before burial. These are wise precautionary measures. New York City, with its large population and great number of deaths annually, has at present no such building.

The interest which the Medico-Legal Society has taken in the advancement of improvements for the treatment of the dead, has induced the writer of this to introduce to them a receptacle which is to avoid premature burial and to improve the present method of burial.

From experiments I made in receptacles thus constructed, I was able to preserve the bodies of pigeons without ice or any substance for eight months without decay. These department properly constructed would preserve the dead without embalming or ice for considerable periods and would be most desirable for the public needs.

These receptacles (as shown by the drawings presented herewith) should be large enough to receive, conveniently,

Read before the Medico-Legal Society, Dec. 19, 1906.

the largest size coffin. The receptacle should have a glass top and be provided with complete air ventilation with outlets through a carfeully constructed arrangements of pipes. The body is placed inside the receptacle, and is also provided with air inlet and outlet.

The receptacles are otherwise airtight and the foul gases from the bodies are drawn to a furnace to be cremated and all is arranged in a perfectly sanitary manner.

To further illustrate the object, it is the idea of the writer, that a spacious building be erected on Long Island, on account of the large number of cemeteries in that location. Such an Observation Building (see photograph) to contain a greater number of the receptacles, also halls for ceremonies, etc. The bodies in the coffin would have electric alarm signals and besides watchmen should be employed for day and night service.

The principal advantages of these receptacles are:

First, That bodies sent to the Observation Building could be kept without embalming for a long time (ordinarily aboutt fourteen days) and would therefore facilitate the detection of crimes in case of poisooing, etc.

Second, The continuous renewal of fresh air passing around the body in the coffin would induce life if same should not be extinct.

Third, A speedy removal of dead bodies from the narrow confines of populated houses, to the Observation Building, would for the sake of health, particular in Summer, be very desirable and be of no hardship to the relatives.

Finally, I would say: That the pleasant features of this arrangement and the erection of such a building would meet with the approval of the great majority of the people.

PSYCHOLOGICAL.

This Department is conducted with the following Associate Editors:

Judge Abram H. Dailey, Brooklyn, N. Y.
Prof. A. A. D'Ancona, San Francisco, Cal.
H. S. Drayton, M. D., N. Y.
M. Ellinger, Esq., N. Y. City.
Dr. Havelock Ellis, London.
J. Thornton Sibley, M. D., N. Y. City.
Wm. Lee Howard, M. D., Baltimore, Md.
R. J. Nunn, M. D., Savannah, Ga.
A. E. Osborne, M. D., Cal.
Jas. T. Searcey, M. D., Tuscaloosa, Ala.
Prof. W. Xavier Sudduth, Chicago, Ill.
U. O. B. Wingate, M. D., Milwaukee, Wis.

as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of $1.50.

Any student of Psychological Science is eligible to unite with the Section without joining the Medico Legal Society on an annual subscription of $1.50, payable in advance and receive the MEDICO-LEGAL JOURNAL free. The officers for 1906 are as follows:

Chairman,

PROF. W. XAVIER SUDDUTH, OF CHICAGO, ILL.

LEGAL AND SCIENTIFIC.

Vice-Chairmen,

Clark Bell, Esq., of New York.
Rev. Antoinette B. Blackwell, of N. Y.
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MISOKAINIA.

BY A. V. MORGENSTERN, NEW YORK.

The word misokainia (mis—hatred, kainos—new) was originated by Professor Achilles Rose* as a substitute for the etymologically incorrect term "misoneismus" which Lombroso applied to the deep-rooted tendency of mankind to combat new ideas and discoveries,—one of the great bars to human progress. Cautiousness in receiving the new is, of course, the first dictate of reason and experience; it is irrational to accept a thing if the evidence in its favor does not amount to logical or sensual demonstration, for precipitousness is a sure guide to error, and belief of any kind is sound only when the object of it stands on the vantage-ground of proven worth.

But the misokainist does not even consider the evidence advanced in favor of the new. He is too indolent to readjust his views to the changed conditions, or lacks the mental elasticity to do so, and hence prefers to ignore or deny the facts which are at variance with his pet notions. "Since the alleged fact is clearly contrary to my conception of cosmic laws, and since my conception of cosmic laws is undoubtedly correct, the alleged fact is an a priori impossibility and no time need be wasted in examining it," syllogizes misokainia.

Achilles Rose* also points out that this hatred of the new becomes a phrenitis sui generis—a distinct type of mania—when the misokainist resorts to contemptible weapons, such as deliberate misrepresentation and unfairness or personal animosity and attack.

*"Misokainia in Medicine," Medical News, Dec. 3, 1904.

Gross forms of misokainia-phrenitis have, unfortunately, been very common in human history. The worst instances of it are afforded by the religious persecutions; more or less mild ones have been encountered by every pioneer in science and philosophy.

When Galilee had invented the telescope, one of his contemporaries denounced it as humbug. Urged to look through the instrument, that he might convince himself of its powers, he answered scornfully: "I would not thus insult God!" Finally prevailed upon to make the test, he raised the telescope to his shut eye—and triumphantly announced that he could see nothing!

The first bill to authorize the building of a railway which was introduced into the British Parliament was defeated on the ground that the locomotives would scare the cows! A similar measure introduced into the Maryland Legislature passed, but with the amendment that the speed of the trains must not exceed five miles per hour.

Flammarion says that when the phonograph was first demonstrated before the French Academy of Sciences, one of the members of that august body arose in great indignation and said "he was not to be duped by the tricks of a ventriloquist." Later that same Immortal declared that he had made a close examination of the invention, but that it consisted of nothing more than ventriloquism, because "it was impossible that vile metal could perform the phenomena of human phonation."

Darwin's "Origin of the Species" was received with a storm of angry protests,—not only from the clergy, but from contemporary scientists as well. The Edinburgh Review for 1860 makes edifying reading.

And so every radical departure from the beliefs of the time has met with misokainia-phrenitis. Human nature has not changed perceptibly, so that it is not astonishing that this hatred of the new exists today. Probably its gravest forms are encountered by the investigator in the field of metapsychics when he records his experiences with hypnotism, telepathy, clairvoyance, seance phenomena, etc. No amount of evidence that he can supply in support of his observations has the least effect upon the vast majority of people. The evidence is not even hearkened to. "These

alleged phenomena are plainly impossible," says vox populi, "and therefore they could not have occurred." The "spook-hunter" immediately forfeits all reputation for sanity and becomes the certain target for ridicule. And ridicule is misokainia's most dangerous and effective weapon. No matter how great a man's bias and prejudice, no matter how feeble his logic, no matter has unfair his methods, he is yet amenable to reason so long as he remains serious. But once his risibilities are excited, you are vanquished. What answer shall Marconi make to the gleeful wit who inquires what today's news from Mars is? Or Curie to the playful humorist who asks why Peary doesn't take a few ounces of radium on his Polar expeditions? Or the psychic investigator to the facetious wag who wants to know if he is still addicted to spirits? Few men can bear this sort of chaffing with equanimity, and it is no wonder that dread of derision has kept many of the world's representative men from publicly expressing their opinions on this subject. Kant himself admitted that the fear of ridicule prevented him from telling what he thought of the phenomena produced by Swedenborg.* And today we have the "pert paragrapher" of the newspaper who can, with a few smudges of ink, hold up a man to the laughter of the world within twenty-four hours.

I once had a conversation about this subject with a newspaper man who was well informed on psychic research. "But," said he with more force than elegance, "if I would write about it, I'd be fired out of the office!" He asserted that some editors were thoroughly familiar with psychic phenomena, but dared not write anything in favor of them in their papers—excepting in the Sunday magazine supplements with weird illustrations of ghostly figures emerging from coffins.

Another personal experience illustrated newspaper misokainia even better. One of the New York dailies, which has for its motto the equivalent of the modest "If we say so, it's so," has repeatedly made caustic attacks on psychic researchers. Prof. Hyslop's recent book evoked an especially violent phillipic. I finally wrote the editor as follows:

"Sir:—In recent years the .... has often made psychic phenomena the subject of editorial comment,—a fact sur-

*I. K. Funk, "The Widow's Mite."

prising in itself since they are not worthy of so much attention if the editorial views regarding them are correct.

The subject has, however, always been treated by you with much more humor than accuracy. I certainly hold no brief for spiritism; to the contrary I deplore the evils of seance infatuation and can see no reason why the phenomena should be erected into a religion. But rightly undertaken and scientifically pursued, psychic resarch is, in the words of the great Gladstone upon accepting honorary membership in the Psychical Research Society, 'the most important work which is being done in the world today—by far the most important.' I beg to differ with the editor of the ....., with Spencer, and with other distinguished authorities who have denied in toto the verity of psychic phenomena. As Sir Alfred Wallace, Darwin's collaborator, declared, 'no more evidence is needed to prove the reality of psychic phenomena; for no single accepted fact in science has a stronger array of proof in its behalf.' Hudson, one of America's ablest psychologists, wrote: 'He who denies psychic phenomena today is not entitled to be called a sceptic; he is simply ignorant.' F. W. Myers wrote: 'After deducting all that is fraudulent and misleading in psychic phenomena and attributing all possible to subjective faculties, there still remains sufficient to justify sure belief in actual physical communication with disincarnate spirits.' Lodge, Crookes, Richet, Flammarion and many other representative men have expressed themselves in the same terms. Last winter the Medico-Legal Society discussed the subject very thoroughly, the result being a symposium with contributions by eminent physicians and lawyers—certainly the most competent observers—whose reports of supernormal experiences demand credence.

Surely all this overwhelming testimony, all the literature of hundreds of volumes, cannot be brushed aside with a pooh-pooh; it establishes a presumption so great that fair-minded investigation should at least precede dogmatic assertion. Let it be remembered that science is in dust and ashes for its denials of hypnotism up to recent years and that thought transference—a fact easy of verification for everyone—is still laughed at by many a cocksure wiseacre!

Spiritism and the like are, of course, honeycombed with fraud and the investigator is apt to be discouraged by the

first few experiences. Even mediums who are perfectly capable of producing real phenomena often find it easier for themselves to substitute tricks. The investigation therefore exacts the utmost patience, tact, astuteness and discrimination.

I do not know if the ....'s findings are based upon the editor's personal experiences; if they are, they can hardly have been extensive, or else he has been singularly unfortunate and I should be glad to place him into communication with mediums who can and do supply indubitable proof of something that is super-physical."

This communication was not, however, published, and to a polite note of inquiry as to why it was not printworthy I received no reply. As so eminent a man as the editor of the ..... should be well acquainted with the code of etiquet prescribed by conventional ethics, it may be supposed that my letters, or his replies to them, miscarried in the mails. Or is it that in the victims of misokainia courtesy and civility, as well as catholicity, are suspended?

Truth may be ignored, misrepresented, derided, abused, libeled, persecuted—she herself remains deathless and changeless, waiting patiently for the passing of the clouds that obscure her light from humanity. And rifts in the clouds are widening. Gladsome evidences of a change in the world's attitude toward the occult are rapidly multiplying. The field is no longer being left in undisputed possession of seance habitues—unschooled men and women who make a fetish of spiritism and worship it blindly. Competent observers are entering the field in increasing numbers, scientifically studying the phenomena and—what is far more important—the laws which underly the phenomena. Powerful organizations, like our own Medico-Legal Society, have taken up this great work,—this "most important work in the world today," as Gladstone called it. For it is the most important work in the world today, this work which holds out the promise of illumining the questions of whence and whither, of giving glimpses of the future that lies beyond the grave,—mayhap, of even showing the goal toward which humanity is traveling.

"Surround truth with bitter denial and contradiction," said Carlyle, "and you furnish it with the soil for its per-

manent growth." And so we may hope that a grateful posterity will recognize the invaluable services that have been rendered to mankind by Crookes, Myers, Lodge, Wallace, Hudson, James, Edmonds, Richet, Zollner, Funk, Savage, Hillis and the other great pioneers in the work. We may hope that a generation hence the names of those men who have faced the whips and scorns of times will form a roll of honor—that their achievements in the study of the unexplained laws of nature and the powers latent in man will be an enduring monument to courage, patience and genius.

THE MAHATMA SRI AGAMYA GURU PARAMAHAMZA.

BY L. H.

The Mahatma Sri Agamya Guru Paramahamza, the chief of all the great teachers of the Vedas in India, has again set forth on a period of travel which is to belt the world, and is now in England for the third and last time.

His first visit to Professor Max Miller at Oxford in 1900 is remembered, and the sensation caused by his well authenticated demonstration at that time in the presence of Professor G. Estlin Carpenter, and at Cambridge as attested by the late Frederick Myers, Dr. Hodgson and others, of his power to suspend at will the vital functions of the body and remain for a period apparently lifeless, even under strictest medical examination, voluntarily reanimating his body and causing the stilled blood in the veins to resume its normal flow.

The Mahatma's mission, however, is not to stir the Western mind to marvel at any seemingly miraculous effects of the command over physical nature, which comes as a natural phase of attainment to the student of this "Practical Science" during the stages of its development; the great Indian teacher comes to the Western man with a message from his Higher self, calling upon that Divinity within to awaken and assert its supremacy, its exclusive reality.

The Mahatma says that this is his last incarnation, as he has reached the full knowledge of his real and eternal self; and exists solely and singly in that self, having freed himself from every claim of the illusive-visible.

Maya is a reflection of the Highest Bliss and is Divine Love, and the visible world is a creation of that reflection; the infinite dream of infinite mind, but dimly figured forth,

in the shifting finite dreams during sleep of the finite mind. Otherwise stated, "the creations in dreams are the finite phenomena of finite mind; the never-ceasing creations of the visible universe are the phenomena of Infinite Mind."

The solidity of matter in view exists through a mutual close relation of the atoms of exeension in a narrow space. Consequently the Cognition, Emotion and Emanation, which are the main cause of this extended world, exist in an atomic nature of the original Maya, which appears to the illusive atoms—its parts—as extended throughout unlimitedly. In the same way the same Maya is an atom in the general power of God which is exteded wiihout beginning or end, bearing the Unfathomable Bliss of the stage of Ecstasy.

In answer to the questions, "Where shall you be when you have put off the body?" and, "What will become of the finite mind?" he answered: "I shall be where I already am; in eternal union with the Divine Spirit; as to the finite mind, that is as a bright lamp, needed to light up the darkness of this time-serving objective world, but is not any longer useful or even perceptible, in the midst of the dazzling glory of immortal light and sublime wisdom."

When asked, "Having, as you say, completed your full course of incarnations and attained to sublime wisdom, why should yo not for the sake of all those souls on the earth whom you call 'your children,' and in whom you yearn to awaken knowledge of their true eternal selves, voluntarily return again to earth until you have reached them all? Why should you abandon them for immortal felicity?" The Mahatma answered: "Because, by going, I can be yet more intimately and truly with them. On the earth I am limited to earth conditions, time, place, means, and limitations of the material plane. But when freed from this world and in full union with the Divine, I can work through the spirit without restriction, and with the force of Omnipresence."

The Mahatma says: "Many come to me for satisfaction —to all I give according as they seek. Some seek only leather, and only set store by that; they would have no eyes for the native diamond, would pass it by as a dull stone. To those I can only give leather. Others seek the stone of great price, and know the diamond even in the rough; those also take what they seek—to them I give diamonds."

In a short book of eighty-seven pages, the Mahatma has put into English—an English of singular scientific clearness and dignity—the essence of his teaching, synthetized from vast stores of ancient and pure Vedantic lore—lore handed down through time from the dawn of human days.

The booklet takes the form of a supposed conversation in Socratic fashion between himself and a student who asks questions. After complaining of the fleeting and unsatisfying nature of enjoyment from fame and sensual pleasures, the student asks to be shown a better way.

He answers: "This world is a delusive charm of Maya. Your real Nativity is the land of Eternity. You are ensnared in this net, and have forgotten your origin. I am a stranger here, because I am a resident of that Eternity. As I am ever-conscious of eternal happiness in my native land, I cannot be entrapped in the act of delusion."

The student is led in the way of that more excellent knowledge towards the attainment of true bliss. He is taken by instruction in "Practical Science" (Yoga) through three schools of learning: "Phenomenology (Science of the World); Syeidesis (Science of Mind; Teleology (Science of the Original Maya), and on up to Transcendental Reality —the Supreme Truth.

Kindness and helpfulness are enjoined as a first duty.

To become a beginner in the science the student should try to purify the mind by shunning all sins, thereby abolishing them. "Live as calmly as the mountains on the earth, and when any sin is committed, feel as other men do over the loss of reputation and wealth."

"The Knowledge of Truth is the Destroyer of Pain."

The "Practical Science" aims at the absolute control of the vibrations of the mind. For through these vibrations of the mind the creative force works. The main progressive stages in Yoga are to be attained by practice only, and under the sure guidance of a competent master. "This Practical Science," says the Mahatma, "requires the synthesis of all the mental forces in an atomic nature."

Of love, he says, "The close relation of love in the force of mind with the different objects of the visible plane, gives rise to the liking of worldly objects which is held to be the cause of impurity in the mind. When this love is

severed from all such objects on the material plane, it becomes pure, so you should change the worldly love in the direction of the Eternal plane, whereby you will be able to recognize the Efficient Truth, which is the real nature of that Force."

The nature of love is three-fold: Preservative, leading to recognition (exercised during wakefulness); Creative, leading to interchange (changing during the dreaming state); and Destructive, inducing forgetfulness (which works during sleep). The mind in these stages is one and the same.

"Vibrative love is the cause of all illusive presentation."

Vibrative love evolves phenomena; the suppression of the vibration involves them. He says: "You can see in the dream state during sleep a reflection of this force of Maya in excessive vibration, evolving and then involving all substances—solid things, for instance, like stone and iron.

"In like manner, the power of imagination in Maya, which involves the powers of creating and destroying the world, can evolve such things naturally.

"You will behold this when you have made your mind identical with the true existence of the imagining force, working in the original Maya as you do now in your own mind in dreams, during sleep."

We are at present in the realm of evolution, therefore we easily grasp truths relating to material nature, but with gradual purification the working will be involution, and bring forgetfulness of the gross body and realization of the true blissful and eternal existence.

On the way, in the exercise of this "Practical Science," come steady successive discoveries of the powers latent in man. At one point he finds himself master of physical forces to the extent of being abole to produce so-called miracles. The development of that faculty, however, is not in itself an end, and its curious over-exercise is hindering to true progress. Another stage brings to the student the power to discover facts concerning his previous incarnations.

The analysis of the many thousands of forces of mind whose synthesis is totally engrossed in objects, can only be made by practicing a suitable process of Yoga under the strict guidance of a competent teacher of Yogin, who will

show the means by which command over these forces may be attained. Not only will command be attained, but through the given process the forces themselves will become refined and provide added power, such as that to have vision of objects or events at great distances, to behold other countless worlds, etc.

Among these forces of the mind there is one which always sees clearly the whole past. Those who have gained command of that force are able clearly to see the soul after death passing into another body.

For as the soul is tied up with the claims of body, it takes no rest in existence separate from body, but is dragged at once by those claims to another "presentation of hidden qualities"—that is, a new birth into material existence.

These austere processes of Yoga, or Practical Science, thinks the Mahatma, would find little favor with the Western world, "whose people seem willing to sacrifice themselves for objects only." To them he would give easier methods, through which they could gain control of the mind, and by making it subservient could come to knowledge of the forces and their workings.

When complete control shall have been gained of the vibrations of the mind, and mental vacillation entirely overcome, mental fickleness departs, the claims of the things of this world lose their hold, the obscuring darkness of worldly desire is dissipated, the mind becomes stable, and to its clear, undimmed radiance comes calm perception of truth and inspiration.

The teaching is that here and now we are always creating, even with the means at hand on the crude gross plane.

All exhibitions of beauty, artificially made gardens, all buildings, art-works, contrivances of utility, all inventions, all the works of man whatsoever, exist through modifications in the ideas of man; "whereby it is demonstrated that the glory of the world depends on the existence of ideality in the mind."

DEATH BY INHALATION OF CHLOROFORM.

POST-MORTEM CHANGES OF THE STOMACH

BY HENRY ALBERT, M. S., M. D., OF IOWA CITY, IOWA,

Professor of Pathology and Bacteriology,
Director of the Iowa State Board of Health Hygienic Laboratory,
Pathologist to the University Hospital.

The June, 1906, Number (Vol. XXIV, No. 1) of the Medical-Legal Journal contains an article by Dr. Fairchild, of Des Moines, reviewing in general the conditions and evidence connected with the alleged case of murder by inhalation of chloroform. That article presents in an excellent manner the general features connected with the case, and it is with a desire to elaborate more especially upon the pathological phases of the subject considered at that time that I write this brief article.

Since the condition of the stomach seen at post-mortem plays an important part in the evidence presented in many cases of poisoning it is a matter of the highest importance that we should all recognize the fact that this organ frequently undergoes post-mortem changes which simulate to a very marked degree many ante-mortem pathological conditions. In the case under consideration it was admitted that death was due to chloroform. The defense claimed that such death was produced by swallowing chloroform with suicidal intent—the State claiming that chloroform was given by inhalation with intent to murder. A description of the condition of the stomach as seen at the time of autopsy, ten days after death, given by Dr. N. C. Morse, of Eldora, Ia., is as follows:

A contribution elaborating the evidence considered by the recent case of the State of Iowa vs. Slifer, in which it was alleged that murder had been produced by the inhalation of chloroform.

PROF. HENRY ALBERT,
University of Iowa,
Iowa City, Iowa.

"STOMACH—Small or greatly contracted. At the most dependent portion or base of greater curvature, was a well defined red or reddish brown spot, plainly visible to the naked eye, three inches in diameter; A, this spot or congested or ecchimosed area was sub-peritoneal. About an inch from the pyloric end another spot was visible, in size about as large as a silver quarter; B, otherwise the stomach was normal in appearance."

At the time of autopsy the stomach was removed without opening it and sent to a chemist for examination. Subsequent examinations of the interior of the stomach revealed the presence of a rather large area about the size of the palm of the hand of a reddish brown color, at the fundus and porterior portion of the stomach.

It was claimed by the defense that this dissolved "spot" was due to the action of an irritant such as chloroform and acting either directly upon the tissue producing hyperemia or indirectly due to the fact that the hyperemic condition of the tissues caused by the irritant caused more blood to be carried to that portion of the stomach in confact with the irritant, namely most depending portion, and that the contraction of these vessels (arteries) after death forced them into the veins and the capillaries markedly distending them, and readily causing a diffusion of the blood into the surrounding tissues. On the other hand it was claimed by the State that the "spots" in the stomach as they were called, may be very readily and legitimately explained as being due to a post-mortem change, which fact may readily be appreciated when considering the following description of post-mortem changes.

As stated at the beginning, because of the fact that the condition or appearance of the stomach is often taken as evidence in cases of poisoning it is exceedingly important that the post-mortem changes to which the stomach is subjected be thoroughly recognized in order that they may not be confused with ante-mortem or real pathological conditions. This is a condition to which European pathologists have given much more consideration than the pathologists of this country. Stimulated especially by my teachers abroad I have during recent years paid particular attention to post-mortem changes, more especially in the

stomach and found them to be of far more frequent occurrence than usually suspected even among better pathologists as indicated by the description given of same in our better text books. The following post-mortem conditions may be observed in the stomach:

1. HYPOSTATIC CONGESTION resulting in the accumulation of the blood in the most depending portion of the stomach with the formation of reddish or brownish discolored patches. They are not of frequent occurrence, but occur principally when there was marked passive congestion of the organ just before death.

2. HEMORRHAGES.—Small, punctate hemorrhages just beneath the mucosa are frequently seen. Birch-Kirschfeld claims that they are found in about one-half of all cadavers. These are probably due in almost all cases to preagonal vomiting or the marked passive congestion occurring during the agonal period. They cannot, therefore, be considered as post-mortem conditions in the true sense of the word.

3. HEMORRHAGIC EROSIONS.—The presence of small hemorrhages in the submucosa lower the vitality of the overlying cells. Such are then subjected to the action of gastric juice, and are destroyed, leaving a large number of small eroded areas appearing as small ulcers, in the stomach.

4. GASTROMALACIA, POST-MORTEM SOFTENING or POST-MORTEM SELF-DIGESTION.—Under normal conditions the gastric juice does not digest the walls of the stomach; before death self-digestion of the stomach occurs probably only in cases of embolism, thrombosis or hemorrhages following which there is a formation of the round or peptic ulcer of the stomach. The condition known as post-mortem softening occurs practically only after death although the process may begin during the agonal period if it is markedly prolonged. The condition is not at all rare and I have found it in a rather large percentage of my autopsies. Nicholls states in the American Text Book of Pathology, that he finds the condition rare in his autopsies. In this condition, the mucosa becomes soft, gelatinous, pulpy, easily macerated and of a light gray color, if the stomach

contains but a small amount of blood or of a more red or brown color if the organ was in a state of passive congestion at the time of death. As the digestion continues, the vessels of the submucosa are involved, blood is liberated forming small petechial hemorrhages which permits the infiltration of the surrounding tissue and produces a red or dark brown discoloration. Being easily macerated the superficial part is readily rubbed away and the wall becomes thinner and more translucent. Eventually, as a result of the extention of the digestive process and the maceration of the part, the process may extend through the wall and produce a post-mortem perforation. The condition affects the parts of the stomach in contact with the gastric juice, which ordinarily means the fundus and the posterior portion. It is most extensive if the stomach contains a considerable amount of stomach contents and especially if the contents contain a rather large amount of acid. It is especially frequent in children, the acid coming in part from the acid fermentation of milk.

5. CADAVERIC EMPHYSEMA.—This refers to the formation of gas in the submucosa of the stomach due to the action of bacteria that have gained entrance from the mucosa. It is a late post-mortem change and is of seldom occurrence. Rarely it occurs ante-mortem.

6. CADAVERIC DISCOLORATION OF THE MUCOSA represents a dark greenish or black discoloration due to the action of hydrogen sulphide liberated by the process of decomposition. This acting upon the disintegrated hemoglobin, results in the formation of a dark color sulphide. It is necessarily most marked when the stomach wall contains a large amount of blood as in passive congestion or hemorrhages. It is an evidence of decomposition.

A review of the above considerations will indicate readily that the so-called "spots" in the stomach in the case of the State of Iowa v. Slifer might have been accounted for as being due to post-mortem changes.

TOXICOLOGICAL.

REPORT OF THE SELECT COMMITTEE ON EMBALMING AND THE LEGAL PREVENTION OF THE USE OF POISONS IN EMBALMING FLUIDS.

New York, December 19, 1906.

To the Medico-Legal Society:

The Select Committee of the Medico-Legal Society, to whom was referred the subject of Legal Prevention of the Use of Poison in the Embalming Fluid by Embalmers, or others, submit their Report:

We have considered the extracts from the Inaugural Address of Hon. Clark Bell, President of the Society; the address of H. S. Eckels, of the Philadelphia School of Embalming; the paper contributed by President Bell to the International Congress on Anthropology at Turin; and the literature and discussions which the subject has aroused. We have considered the recent legislation on the subject in New Jersey, New Hampshire and the law adopted by the legislature of Michigan, Act 13, Laws of 1903, and the recent contribution of President Bell on the subject.

We have consulted the great body of embalmers of the Nation and many of the Officials of the prominent State bodies of Undertakers, Embalmers and Funeral Directors through the Chairman of this Committee, who has devoted the most of his time, since the June Meeting of the Medico-Legal Society, meeting the leading embalmers of the States of the Northwest and on the Pacific Coast in the study of the science of embalming the dead, in the principal cities.

Your Committee report that

The following extracts from the Inaugural Address of President Bell describe correctly the condition of affairs until within a recent period at the time he spoke, in January, 1906.

LEGAL PREVENTION OF THE USE OF POISON IN EMBALMING FLUIDS BY UNDERTAKERS AND OTHERS.

"Embalming of dead bodies, as practiced by undertakers for the past twenty-five or thirty years, has prevented the detection of crime committed by those who have killed their victims by poison."

"Every poisoner could, by having the cadaver filled with the ordinary embalming fluid containing arsenic, (usually done before a post-mortem could be held) defy detection, and be certain to put his crime beyond the reach of punishment by law."

"There is no means yet known to science, by which arsenic administered by mouth or rectum, which produced death, could be detected or discriminated from the arsenic contained in the embalming fluid used by the undertaker—which had been absorbed by the dead body by imbibition or from the injection in the abdominal cavity and into the vascular system."

"Years ago I submitted this question to the chemists of the world, and the answer was unanimous, that when the embalming fluid containing poison had been injected into the body after death, the crime of the poisoner could not be traced to, or fixed upon him, by any means known to chemistry, or its related aids, the microscope, bacteriological research or otherwise."

"We have yet to come to the hour when the clear eye of science can discriminate, between the aresnic administered in life which has caused death, from that which the poisoner had directed the undertaker to inject into the body."

Respecting Legislation your Committee report:

It is now demonstrated that a perfectly sure, safe and reliable embalming fluid can be made without the dangerous use of arsenic or any poison or ingredient that would interfere with the detection of crime.

That science can, and does now affirm, that the safest, the most effective and successful embalming fluid need contain no inorganic poisons commmonly used by the poisoner.

That, while laws to prevent the use of poison by the embalmer in the fluid used for the preservation and embalming the bodies of the dead may be found to be necessary in certain sections, the present and existing consensus of public opinion among embalmers in favor of the use of fluids, which do not contain poisons that would interfere with the detection of crime, is now so universal among all embalmers of repute, that the reform sought for by the Medico-Legal Society will be attained in the near future, by the intelligent and wholesome action of that profession in remedying the evil and enforcing it by the stronger and higher law of Public Opinion, rather than by legislative enactments,—except in exceptional instances and in isolated districts.

That the use of poison in the embalming fluid used by undertakers or embalmers in the preservation of the bodies of the dead; where crime had been committed does and would prevent the discovery of poison, by the chemist or by means now known to science.

That the use by embalmers of a fluid which contains poison that would thus interfere with the scientific detection of crime interferes with the legitimate work of Coroners, Coroners' Physicians and other officers of the law, and with physicians who hold the autopsies upon the bodies of the dead for the purpose of determining the cause of death, and also with the analytical chemists in the discharge of their duties to ascertain whether the death is due to natural causes or whether there is reason to suspect that a crime has been committed.

We report, That the Medico-Legal Society recommend laws against the use of embalming fluids by undertakers or others upon the bodies of the dead, which interfere with the detection of crime by chemical or other scientific tests.

EMBALMING.

We report, That the custom and practice of embalming the dead by undertakers or embalmers which is coming into almost universal use, is in every way proper and commendable, because

1. It produces better sanitary conditions, and
2. It prevents the spread of communicable diseases, and
3. It in many cases produces a better appearance of the dead for funeral purposes, and is more desirable to the Public at large for that reason.

That this Society approves of embalming the bodies of the dead where the use of poison is eliminated from the embalming fluid used.

Your Committee concurs in, approves of, and adopts the language of the Chairman of this Committee, Prof. H. S. Eckels, in his address to the Society:

"Be it resolved, That the Committee of the Medico-Legal Society appoint, for this purpose, secure the co-operation of the many city and county coroners to permit during the Summer months the embalming of the dead by the undertaker who has charge of the body, providing said undertaker and embalmer use only such fluids as

do not contain poisons which would interfere with the detection of crime in all such cases where the Coroner's physicians for any reason were unable to examine into the cause of death of said person within twelve hours after the death of such person, during the months of April, May, June, July, August and September, and twenty-four hours after death during the months of October, November, December, January, February and March."

That the use of poison in the embalming fluid is no longer necessary for the proper embalming and preservation of the dead body.

We believe that the National and State Organizations of Embalming and Funeral Directors would now be willing to co-operate with the work of this Society favoring the elimination of poisons in embalming fluids, and that this Society invite their co-operation to that end.

We have presented in a Preliminary Report our views as to embalming by the right brachial artery, in its relation to a case now pending before the Governor of the State of New York in an application for full pardon of one condemned to death on medical testimony, given on the trial that the embalming fluid did and could not enter the lungs where the body of the deceased was embalmed by the right brachial artery.

The Chairman of this Committee on August 9, 1906, conducted a complete and indisputable demonstration in the City of New York before a large body of embalmers, on a body embalmed as the body of the dead in that case was sworn on the trial to have been done, in which the embalming fluid was shown to have entered and suffused the lungs. Our views are expressed in Resolutions submitted in our Preliminary Report, which relate to that case and demonstrate the innocence of the accused.

Respectfully submitted,

PROF. H. S. ECKELS, Chairman,
School of Embalming,
Philadelphia, Pa.

PROF. CHARLES A. GENUNG,
Lecturer on Embalming,
Waterloo, N. Y.

J. F. MARTIN, ESQ.,
New Jersey State Association of Funeral Directors,
Elizabeth, N. J.

JOHN MAAS, ESQ.,
State Association of Embalmers,
Loulsville, Ky.

GEO. B. MILLER, M. D.,
Late Chemist Medico-Legal Society,
Philadelphia, Pa.

CHARLES F. MOADINGER, ESQ.,
N. Y. State Embalming Commission,
Brooklyn, N. Y.

WM. J. PHILLIPS, ESQ.,
Secretary New York State Board of Embalmers,
Albany, N. Y.

CHARLES W. SPRINGER, ESQ.,
New Jersey State Association of Funeral Directors,
Englewood, N. J.

Unanimously approved and adopted by the Medico-Legal Society, December 19, 1906.

CLARK BELL,
President.

PRELIMINARY REPORT OF THE SELECT COMMITTEE OF THE MEDICO- LEGAL SOCIETY ON EMBALMING BY THE RIGHT BRACHIAL ARTERY IN ITS RELATION TO THE CASE OF ALBERT T. PATRICK.

To the Medico-Legal Society:

Your Select Committee on Embalming by the Right Brachial Artery, after a full and careful examination of the whole subject; and of the papers and evidence; and as the result of our best judgment, report and recommend the adoption by the Medico-Legal Society of the following Resolutions:

Resolved, That when a body is embalmed by the right brachial artery, in the manner that the body of Rice is shown by the evidence to have been embalmed, the embalming fluid does, and must of necessity enter, and suffuse the lungs, of the person embalmed.

Resolved, That this is not a matter of opinion, but is a demonstrative fact, within the personal knowledge, and experience, of every practical embalmer, in the land.

Resolved, That it must be conceded as a fact; that the public demonstration on August 9, 1906, of embalming a human body, in the City of New York in West 23d Street, under the supervision and direction of the Chairman of this Committee; before the Assembly of embalmers; the embalming fluid was seen, and shown, to enter and permeate the lungs, by every person present.

Resolved, That it is the judgment of this body; that this incident; was an absolute demonstration; that the fluid does enter the lungs of a dead human body thus embalmed; and was a scientific demonstration of an absolute fact. That the question is entirely outside, of the domain of the opinion of experts; and is a simple question of fact; conceded and known to all embalmers, who have personal knowledge, of the methods of embalming the dead.

Resolved, That after a careful examination of the whole case of Albert T. Patrick; the evidence before the Court of Appeals; the Report made to the Society by the previous Select Committee; the evidence of the medical witnesses and others; given before the Jury, who condemned Patrick; that the embalming fluid could not and did not enter the lungs of Rice; we are of the opinion, that the medical witnesses, who swore in the case; that the embalming fluid did not enter, and could not enter, the lungs of Rice; were giving testimony upon a subject; concerning which they had no knowledge or practical experience.

That their evidence misled that Jury; and that the scientific demonstration of August 9, 1906; at New York City, before the body of practical embalmers; was a complete and absolute scientific demonstration; of the innocence of Albert T. Patrick; of the charge on which he was convicted.

Resolved, That the Medico-Legal Society memorialize the Governor of this State and the Governor-Elect; that in the opinion of this body Albert T. Patrick is innocent, of the murder of Rice.

That Rice died from natural causes, and Patrick should have full pardon by the Executive.

Dated, December 19, 1906.

PROF. H. S. ECKELS, Chairman,
School of Embalming,
Philadelphia, Pa.
PROF. CHARLES A. GENUNG,
Lecturer on Embalming,
Waterloo, N. Y.
J. F. MARTIN, ESQ.,
New Jersey State Association of Funeral Directors,
Elizabeth, N. J.
JOHN MAAS, ESQ.,
State Association of Embalmers,
Louisville, Ky.
GEO. B. MILLER, M. D.,
Late Chemist Medico-Legal Society,
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CHARLES F. MOADINGER, ESQ.,
N. Y. State Embalming Commission,
Brooklyn, N. Y.
WM. J. PHILLIPS, ESQ.,
Secretary New York State Board of Embalmers,
Albany, N. Y.
CHARLES W. SPRINGER, ESQ.,
New Jersey State Association of Funeral Directors,
Englewood, N. J.

Unanimously approved and adopted by the Medico-Legal Society, December 19, 1906.

CLARK BELL,
President.

TO THE MEMBERS OF THE SELECT COMMITTEE OF THE MEDICO-LEGAL SOCIETY ON EMBALMING, BY THE RIGHT BRACHIAL ARTERY AND THE ELIMINATION OF POISON FROM EMBALMING FLUID USED IN THE PRESERVATION OF THE BODIES OF THE DEAD.

Gentlemen:

I am not willing to allow the occasion of the completion and the unanimous approval and adoption of your Reports to pass, without awarding to you the tribute of my heartfelt thanks and my unstinted praise. The great work entrusted to you has been, to grapple with one of the most difficult problems that has confronted the administration of justice in the Tribunals; the impossibility of the detection of crime, and the punishment of the criminal, who having poisoned his victim, put it beyond the power of the law to punish. When the body had been embalmed; because the fluid used until this last year contained poisons, and there was no means now known to science by which the poison injected into the body before death, could be distinguished, or discriminated from that which came into the body by imbibition from the fluid used by the embalmer.

For thirty years that I have been identified with the work of the Medico-Legal Society, that has been a condition we could not meet, or cope with.

In January, 1906, I brought it again to the attention of the Medico-Legal Society, in my Inaugural Address, in the hope, that we might reach a solution by judicious legislation if we could so influence public sentiment as to safeguard the evil.

Prof. H. S. Eckels, one of the ablest, most accomplished, by his education, long experience and high rank in his pro-

fession, joined me with some of the ablest, most intelligent and eminent men of the embalming profession, in this labor which had all the elements of a crusade only a year ago. The starting point was to unite and unify the embalming profession to accept, in the exigencies of the hour, the proposition, that an embalming fluid should be made and adopted by the great body of embalmers, from which poison should be eliminated, so that the use should not interfere with the dectection of crime where the death was due to poison by arsenic or any other fatal poison.

Prof. Eckels' paper, read early in the year 1906, took that idea and ground. I prepared a paper on the subject for the International Medical Congress at Lisbon, in April, 1906, to which I had been named as a delegate by the Government of the United States.

The same paper was contributed to the International Anthropetical Congress at Turin, at the end of April, 1906.

A movement was made to induce the Legislature of New Jersey to pass an act declaring it to be a crime to use poison in an embalming fluid, in which Mr. Charles W. Springer, of Englewood, New Jersey, took an active part and which became a law, and was signed by Governor Stokes, of that State.

The same paper was read before the New Jersey State Association of Funeral Directors, in May, in Philadelphia, which discussed the passage of the law.

In June, before the Medico-Legal Society, the same subject was resumed and discussed. Professor Charles A. Genung, of Waterloo, New York; W. J. Phillips, of Albany, Secretary of the State Board of Embalming Examiners, had come before the Society early in the agitation and gave a great force to the discussion. It was decided to organize a strong committee, with Prof. H. S. Eckels at its head, and to make it a crusade in the prominent States of the American Union.

Professor Eckels went from State to State, on the Pacific slope and in the middle far west, and laid it before the embalmers of a large number of the States.

Everywhere the organizations of embalmers gave in their adhesion to the proposed plan of the Medico-Legal Society, to eliminate poisons from embalming fluids.

State after State, city after city gave their adhesion to the work.

On the announcement of my Inaugural Address, on January 16, 1907, the Chairman of the Select Committee, Prof. H. S. Eckels, reported to the Society, that it was already practically acquiesced in and supported by the embalming profession of the American States.

The report on the subject was made on the evening of the 19th of December, 1906, just eleven months after the opening of the question, it was substantially closed by the report which I attach to this paper.

Gentlemen, you have done a work of which you may justly be proud.

A work for which the emblaming profession owe you a debt it can never repay.

You have removed from your profession a reproach, and a stain, that it was out of your power, to justify or to defend.

You had been acting as a shield and a defense to the poisoner in spite of your power to avoid it.

You had, in spite of every effort you could make, prevented the detection of the crimes of the poisoner and his punishment, and it is from out this struggle of responsibility, that your profession emerges and comes into the clear sunlight, you have helped to emancipate your art, and to make clean, pure and lovely a practice, for the preservation of the bodies of the beloved dead, and one in which your high art will receive higher recognition, as time advances.

To the administration of the Tribunals of Justice, you have rendered a service of incalculable value.

You leave the poisoners to the Court, and by a single bound you no longer protect the assassin nor prevent the detection of his crime.

You have been the instrument by which the Medico-Legal Society has at last accomplished the great mission and purpose, it has long held in view; and in the name of the Society I thank you for a labor which must be ever regarded as one of the highest of the achievements of the Medico-Legal Society.

Gentlemen, as an incident of your work you were asked by the Society to consider the subject of Embalming by the Right Brachial Artery in its relation to the case of Albert T. Patrick, convicted of the murder of Rice, on the evidence of a witness Jones, who testified that he killed Rice and gave a detailed statement as to the manner in which he had done it, and that Patrick had instigated it.

A carefully selected committee of the Society had gone over the whole case, read all the evidence, made tests and examinations, and reported unanimously.

1. That the death of Rice was due to natural causes.

2. That it did not occur in the manner detailed by Jones.

3. That Jones' whole statement was false and a fabrication, and that committee pronuonced his story as incredible and absolutely impossible.

But it later transpired that medical witnesses were allowed by the Court to state, that in their opinion, the embalming fluid, in the case of Rice, did not and could not enter or suffuse the lungs of Rice.

Your Preliminary Report on this branch of the case is in every way remarkable and positive. That in such a case the embalming fluid does and must enter the lungs, and that the medical witnesses who expressed such opinions, were in error, and that although the Court and jury, who tried the case, believed in this evidence, that the embalming fluid did not and could not enter the lungs your research, your examination, your studies had resulted in an absolute demonstration of the innocence of Patrick of the crime for which he was convicted.

You showed that the embalming fluid did enter the lungs of Rice, and that the medical testimony was not true, and was wholly valueless and incompetent.

It has been rare in the examination of a scientific question that a committee can be able to demonstrate its propositions. You have done so, and the part you have taken in this case, reflects the greatest credit upon you for your valuable labors.

It is not uncommon, that differences of opinion may arise, where the question is one within the limits of medical expert testimony. But in this case you have presented the

question as one of fact and not of opinion. Did the embalming fluid, as a matter of actual fact, enter the lungs of Rice.

Your researches and your report shows that it did; you have removed the question entirely, from the domain of medical expert opinion; and made it a simple question of fact, and not one of medical opinion.

I congratulate you on the solution of the question submitted to you, and the Science of Medical Jurisprudence is greatly indebted to you for bringing the subject into the light of an indisputable fact.

Very faithfully yours,

CLARK BELL.

Dec. 19, 1906.

To Prof. H. S. Eckels, Chairman,
and Associates of the Select
Committee on Embalming.

Report of Prof. H. S. Eckels, Chairman of the Select Committee on Embalming, in reply to the Chair, as to what had been the most notable advance in Medico-Legal Science, presented the following report, which was received and on motion adopted, ordered placed on file and ordered printed:

The Honorable Clark Bell,

President of the Medico-Legal Society.

I am pleased to report for the Committee that the most notable advance in Medico-Legal Science during the past year has been made in the now almost universally adopted methods by the embalmers of the country in using such emblaming fluids as do not contain poisons that would interfere with the detection of crime. The questions submitted to the embalmers of the country through this Society have received universal support by the best men of the profession. We have carried the subject before the many State Associations at their annual meetings, and in every instance where the subject was discussed, its unanimous adoption has been obtained, so that more than twelve thousand undertakers in the United States and Canada

now avoid the use of poisons in their embalming fluids, that would interfere with the chemist in his analysis of any part of the cadaver when crime was suspected to have been committed by the use of those poisons commonly employed with criminal intent. Three of the States have thought it wise to enact laws preventing embalmers, physicians or others employing poisons in their chemicals which they use in preserving and embalming the dead, and in other States the leading men of the profession are anxious to have such laws passed in their States to compel the less thoughtful to observe this custom so that all of those members of the profession in those States may have credit for observing the most advanced ideas which are so beneficial to their profession, to the doctors as well as the chemists and law-makers, and also to the citizens of their Commonwealth.

Thus, you will observe that these advanced ideas have brought about a complete change in one of the most serious obstacles to the detection as well as interference with the prevention of crime which must have great influence and result in much good.

Second, the subject, "Does embalming by the right brachial artery cause the fluid to enter the lungs of the cadaver embalmed?" has been proven beyond the question of a doubt. Thousands of embalmers throughout the country have been much interested in this subject, and have watched their many cases as they have performed this operation and have found that the fluid does enter the lungs; in fact, in every instance, the embalmer realizes that the lungs are the first of the organs to show putrefaction, and therefore would give them more trouble were the bodies not properly embalmed; on the other hand, when they do embalm bodies by an arterial injection, using sufficient fluid to preserve the remains, that the lungs are the first to show circulation of the fluid therein, because when a body is properly embalmed, putrefaction of the lungs does not occur.

Again, bodies that are arterially embalmed (in the right brachial artery) frequently begin to purge from the lungs after fluid has been injected into the arteries, showing therefore, that the tissues of the lungs which have become congested by blood and fluid, force out such liquid secre-

tions which occupy the samll and large bronchial tubes. When the thoracic cavity is opened and the lungs exposed, which operation may be done with but little loss of fluid when injected by the right brachial artery, under these conditions the lungs may be seen to expand by the volume of fluid which enters them through the natural course of circulation, and that such tests have been made many times during this past year, notably the one at the undertaking establishment of Mr. Frank E. Campbell, 241 West 23d Street, New York, on August 9th before a large number of physicians, chemists and emblamers.

H. S. ECKELS,
Chairman of Committee.

Medico-Legal Society, Office of the President,
39 Broadway, New York City.

To the Embalmers of the Country:

The prominent part taken by your profession in demonstrating the innocence of Albert T. Patrick, in furtherance of the work of the Select Committee of the Medico-Legal Society, makes it a public duty for embalmers to sign the appeal for the pardon of Mr. Patrick, and to induce their patrons to do so. Please give your profession when you sign, and have the petitions signed by your neighbors and friends when forwarded to you by this Society and return the same, signed by as many names as you can secure when the same reaches you.

NOTES ON TUBERCULOSIS.

UTAH.

The enclosed letter shows Utah's action:

Commonwealth of Utah, Executive Chamber.
Salt Lake, October 30, 1906.

Clark Bell, Esq.,
Treasurer American International Congress on Tuberculosis,
39 Broadway, New York.

Dear Sir:

In accordance with your kind invitation of the 26th inst., I have the honor to inform you that I have this day appointed the gentlemen named below as delegates to the coming session of your Congress:

Dr. H. A. Adamson, Richmond; Dr. S. H. Allen, Salt Lake City; Dr. C. W. Baker, Ogden; Dr. T. B. Beatty, Salt Lake City; Dr. A. C. Behle, Salt Lake City; Dr. W. R. Calderwood, Salt Lake City; Dr. J. C. E. King, Salt Lake City; Dr. W. B. Parkinson, Jr., Logan; Dr. R. T. Richards, Salt Lake City; Dr. John F. Sharp, Salt Lake City; Dr. Frank B. Steele, Salt Lake City; Dr. F. W. Taylor, Provo., and Dr. C. F. Wilcox, Salt Lake City.

I trust that a considerable number of these gentlemen will be able to attend the Congress, as the matter under consideration is of vital interest to us all. Yours sincerely,

JOHN C. CUTLER,
Governor of Utah.

NEW YORK CITY.

Supreme Court, Judges Chambers, Court House,
Chambers Street.
New York, November 2nd, 1906.

Clark Bell, Esq.,
Secretary of the Council,
39 Broadway, New York City.

Dear Sir:

Owing to my judicial duties, which begin at 10:15 each court morning during the month, I shall not be able to accept your kind invitation to attend the opening ceremonies of The American International Congress on Tuberculosis, nor to make an address.

I wish, however, to express my sympathy with the efforts of your organization and my fervent hope that you may succeed in diminishing the ravages of the scourge you are combating.

I am, Yours very truly,

T. A. GIEGERICH.

SCOTLAND.

Dr. Wm. W. Ireland sends the following reply to the formal invitation sent him:

Victoria Terrace.
Musselburg, Scotland, 30th Oct., 1906.

Dear Sir:

I esteem it a great honor that the Governing Council of the American International Congress on Tuberculosis should have thought me worthy of being invited to address the meeting.

I much regret that I cannot undertake the voyage to gain information from the deliberations of the Assembly. I am afraid that my views upon the methods of the diffusion of phthisis are not likely to be in accordance with those proclaimed by many doctors on both sides of the Atlantic. It seems to me that the infectiousness of consumption has been strangely exaggerated, and that the ways through which the germs of this disease gain entrance into the body have not yet been demonstrated with sufficient strictness to justify the stringent measures of prevention proposed in the fervour of what is doubtless a praiseworthy object. These proposals would act harshly upon the sufferers from a widespread malady, indeed they have already begun to do so without giving any adequate reinforcement of the sanitary measures already in our country, proved so efficacious in prophylaxis.

I know, however, that there is in the United States, as well as in Europe, a considerable number of physicians not prepared to propose laws and restrictions founded upon assumptions not yet proved.

I thank you for the June Number of the Medico-Legal Journal, which contains some most interesting matter.

I remain, Yours faithfully,
WILLIAM W. IRELAND.

Clark Bell, Esq.,
39 Broadway, New York.

HAYTI.

The following letter has been received from the State Department:

Department of State.
Washington, D. C., November 6, 1906.

Clark Bell, Esq.,
39 Broadway, New York.

Sir:—The Department is advised by the Minister of Hayti, that his Government has appointed Dr. D. Domond to represent it at the American International Congress on Tuberculosis, to be held this month at New York.

I am sir, Your obedient servant,
ROBERT BACON,
Acting Secretary.

HAYTI.

The Secretary of the Council of the American International Congress on Tuberculosis, announces the receipt of the following communications from the Presidents of the

Republics of Guatemala and Hayti, accepting the Honorary Presidency by these high officials:

Republic of Hayti.
Port-au-Prince, December 1st, 1906.
103 Year of Independence.

Nord Alexis, President of the Republic.
Mr. Clark Bell,
Treasurer of the Congress on Tuberculosis
and Secretary of the Council.
Sir:

I have had the pleasure of receiving from my countryman, Dr. J. E. Jeanty, Director of the National School of Medicine and Pharmacy of Port-au-Prince, and your colleague as Delegate from Hayti, your letter dated November 20th, by which you inform me that I have been elected, by the unanimous vote of the American International Congress of Tuberculosis, one of its Honorary Presidents.

I receive with the greatest pleasure this precious token of distinction, and I am very thankful, both personally to you, and also to all the members of the Congress, for having made me worthy of that honor, having sent representatives of Hayti to your work, which has as its noble aim, to look for the efficacious arms to fight one of the worst enemies of mankind.

In thanking the Congress once more for the honor conferred upon me, permit me to express to its promoters, all my admiration and my congratulations for the eminent and disinterested object they have in view, and I request you to believe in my distinguished consideration for you. (S) NORD ALEXIS.

The President of the Republic of Guatemala.
Guatemala, December 8, 1906.

Mr. Clark Bell,
39 Broadway, New York.
Dear Sir:

By your favor of the 20th of November last, I have been informed of my election as Honorary President of the American International Congress of Tuberculosis.

I consider myself very highly honored by said election and I request you to express my sincere thanks to all the members of that Congress which honors the American Continent, and at the same time please accept yourself, the assurance of my very distinguished esteem and consideration. (S) M. ESTRADA.

PERU.

The Secretary of the Council has received from the American Department of State communications from the Government of Guatemala, in the Spanish language, of which translations are enclosed:

Ministry of Public Improvements.
Lima, October 22nd, 1906.

To the Minister of Foreign Affairs.

In reply to your note No. 94, in which you transcribe a communication from the Plenipotentiary of the United States of America in Peru, referring to the invitation from the Government of that country, so that ours should be officially represented at the International Congress of Tuberculosis, that shall meet in New York on November 14, 15 and 16, I beg to say to you that owing to the

scarcity of time it is impossible for Peru to be conveniently represented, but that our Government will adhere to the scientific conclusions adopted at said Congress.

Yours truly,

(S) DELFIN VILLALON.

It is correct:

S | Polo—Clerk in Chief of the Ministry of Foreign Affairs.

Ministry of Foreign Affairs.

Lima, October 24th, 1906.

Mr. Minister:

In reference to the communication from your Excellency, No. 377, of the 2nd of July last, by which your Excellency had the courtesy to send to my Government the invitation from yours, to be officially represented at the International Congress of Tuberculosis, that is to meet at New York on the 14the, 15th and 16th of November next, I have the honor to send you herewith a copy of the note sent to me yesterday by the Minister of Public Improvements, stating that owing to the scarcity of time it is not possible that Peru should be duly represented at the Congress, but that it will indorse all the scientific conclusions sanctioned by that assembly.

I request your Excellency that when communicating the above to the Secretary of State at Washington you have the kindness to transmit the solicitude of my Government to let it know the above referred conclusions.

I have the pleasure of renewing to you, Mr. Minister, the assurance of my high and distinguished consideration.

(S) I. PRADO Y UGARTECHE.

To His Excellency
Irving B. Dudley,
E. E. and Minister Plenipotentiary
of the United States of America.

The Secretary also announces that the Management is indebted to Senor Dr. Juan J. Ulloa, Consul General for Costa Rica, for the foregoing translations, and that Dr. Juan J. Ulloa has accepted a seat on the Council of the Congress, by its unanimous election, vice Dr. Chas. K. Cole, resigned, on account of ill-health.

Department of State.

Washington, December 13, 1906.

Clark Bell, Esquire.
39 Broadway, New York.

Sir:

I have to inform you that the Legation at Bogota reports, under date of November 4th, that the Columbian Government had delegated Dr. Camilo S. Delgado to represent it at the American International Congress on Tuberculosis, which met at New York last month.

A despatch from the American Minister at Buenos Aires, dated November 3d, states that the Argentine Government was unable to send a delegate to the Congress. I am, sir,

Your Obedient servant.

ALVEY A. ADEE.
Second Assistant Secretary.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

NOVEMBER SESSION, 1906.

HOTEL ASTOR, NOVEMBER 14, 15 and 16.

The Medico-Legal Society held its November Meeting on the second Wednesday of November instead of the third, by order of the Society accepting the Invitation from the American International Congress on Tuberculosis by its officers and members, on November 14, 15 and 16, 1906, at the Hotel Astor, in the City of New York.

The Society met in joint session with that body at 10 A. M., November 14th, at Hotel Astor. The President, Clark Bell, Esq., in the chair, supported by Dr. A. N. Bell, Honary President of that body and Dr. J. Mount Bleyer, Vice-President and member of the Council of that body sitting in joint session. Dr. F. E. Daniel, President of the American International Congress on Tuberculosis in the chair and presiding.

President Bell, of this Society, was an Honorary President of that Congress, Secretary of its Council and Treasurer. He called the Joint Session to order, introduced the Rev. Charles E. Jefferson, of the Broadway Tabernacle, who offered prayer.

President Bell then gave an address of welcome to the members and delegates, and to the Representatives from Foreign Governments, and introduced D. A. N. Bell, an Honorary member of this Society and first President of the Congress, who made an address of welcome to the Congress, assembled so sitting in Joint Session with the Medico-Legal Society.

Mr. Bell then introduced Dr. F. E. Daniel, the President of the Congress, who made an extended and masterly Presidential address. The Society met and acted with the Congress again at 2 p. m., of the 14th during the labors of the day, and assembled at 10 a. m. and 2 p. m. of the 15th and sat in Joint Session with the Congess November 15, at the Hotel Astor, as will best appear by the transactions of the Congress.

The Society again met at 7 p. m., at the Dinner tendered by the Society to the officers, members and delegates at the Hotel Astor, President Clark Bell in the chair with a very distinguished company of ladies and gentlemen, the President of the Society in the chair.

It was given by this famous Hotel in its best style and its service was superb.

After the removal of the cloth, Mr. Clark Bell made the opening address (which will appear elsewhere) and introduced Dr. F. E. Daniel, in response to the toast to the Congress over which he presided.

President Daniel is one of the ablest and most eloquent after-dinner speakers in the Southwest. He sponded in his happiest vein. He spoke extemporaeously and it seemed quite impossible for our reporter to follow him. He has promised to reproduce it, and if he does it will appear later.

The Foreign delegates were then introduced and made addresses.

Dr. Leon d'Ulloa spoke for Costa Rica.

Dr. Salvado Cordova, the delegate from Hondorus, spoke.

Dr. Juan B. Gagliardo, the delegate from Ecuador, spoke in Spanish.

Dr. Domond, delegate from Hayti, spoke in French, with great eloquence, beautiful diction and in excellent vein.

Signor Corrado D' Allise spoke in Italian.

The Hon. Jacob F. Miller, ex-President of the Medico-Legal Society, spoke of the high aims and great work done by this Society in its endeavors in conjunction with the Congress now in session. His address was by far the ablest and most eloquent, as the Chair stated that he had ever listened to from the speaker's lips. It was unwritten and was not reported, but a copy was solicited.

Judge Wm. H. Francis, a member of the Council, made an eloquent address.

Frank Moss, an officer and member of the Society, made an excellent speech.

Sarah T. Rorer made a brief address.

Mr. Judge Cautrill, of Kentucky, made a humorous and interesting address.

Emily Noble, of California, told a good story at the request of the Chair.

Dr. J. C. Walton, of Chase City, Va., spoke.

Dr. M. M. Smith, of Texas, made an excellent address.

Dr. Elmer Lee, of New York, spoke in his happiest vein.

The Dinner was most successful and enjoyable and adjourned at a late hour.

The Society again met with the Congress in Joint Session, at 10 a. m., and was called to order for business, after the Congress took a recess at 11:40 a. m., with President Bell in the Chair, and Dr. J. Mount Bleyer acting as Secretary in the absence of the Secretary and Assistant Secretary.

The minutes of the last meeting of the Society, June 20, 1906, was read, and on motion was duly approved as printed in the June Number of the Medico-Legal Journal.

The following members were duly elected members of the Society, on recommendation of the Chairman of the Executive Committee: Dr. T. J. Jeanty, of Port au Prince, Hayti; Emily Noble, of San Francisco, Cal.

Nominations were in order and Dr. J. Mount Bleyer submitted the following list of nominations:

MEDICO-LEGAL SOCIETY.

OFFICERS FOR 1907.

President.
CLARK BELL, ESQ., of New York.

First Vice-President.
J. MOUNT BLEYER, M D., New York.

Secono Vice-Presiaent.
W. B. FLETCHER, M. D., Indianapolis, Ind.

Vice-Presidents for the States, Territories and Provinces.

Alabama—Judge Thos. W. Coleman, Montgomery.
Alaska—Clarence Thwing, M. D., Sitka.
Argentine Republic — Dr. Emilio Coni, Buenos Ayres.
Arizona—
Arkansas—H. C. Dunavant, M. D., Osceola.
Austria—Prof. Dr. Maurice Benedikt, Vienna.
Belgium—Dr. Jules Morel, Mons.
Brazil—Prof. Nina Rodrigues, M. D., Bahia.
British Honduras—Ada M. Chevaillier, M D., Belize
California—A. E. Regensburger, M.D., San Fr'ncisco
China—Harold Browett, Esq., Shanghai.
Colorado—J. N. Hall, M. D., Denver.
Columbia—Dr. Juan A. Fortrel, Carthagena.
Connecticut—F. B. Downs, M. D., Bridgeport.
Costa Rica—Dr. Juan T. Ulloa, 66 Beaver St., N.Y.
Cuba—Fidel P. G. Pierra, Havana.
Dakota, N.—Dr. Dwight S. Moore, Jamestown.
Dakota, S—
Delaware—Chancellor John R. Nicholson, Dover.
Denmark—Prof. Godeken, Copenhagen.
District of Columbia—Robert Reyburn, M. D., Washington, D. C.
Dom. of Canada—Hon. A. G. Blair, Ottowa.
Ecuador—Dr. Juan B. Gagliardo, Guayaquil.
England—Dr. Fletcher Beach, London.
Florida—Dr. Dewitt Webb, Saint Augustine.
France — Dr. Edward Toulouse, Superintendent Ville de Juif, Paris.
Georgia—Richard J. Nunn, M. D., Savannah.
Germany—Dr. Otto Rapmund, Minden.
Guatemala—Dr. Ramon Bengoechea, N. Y.
Hawaii—Dr. E. S. Goodhue, Holoalua.
Hayti—Dr. T. J. Jeanty, Port-au-Prince.
Holland—Dr. P. A. H. Sueens, Vucht.
Honduras—Senor Salvador Cordova, N. Y. City.
Hungary—Staatsanwalt Em. V. Havas, Buda Pesth.
Illinois—Denslow Lewis, M. D., Chicago.
India—P. S. Sivaswamy Aiyar, Madras.
Indiana—George F. Edenharter, M.D., Indianapolis.
Indian Territory—I. H. Bailey, M. D., Dexter.
Iowa—Jennie McCowen, M. D., Davenport.
Ireland—Conolly Norman, M. D., Dublin.
Italy—Enrico Ferri, M. D., Rome.
Japan—Dr. J. Hashimoto, Tokio.
Kansas—Dr. C. F. Leslie, Clyde
Kentucky—Laura Keisker, Hopkinsville.
Louisiana—Isadore Dyer, M. D., New Orleans.
Maine—Judge L. A. Emery, Ellsworth.
Manitoba—Dr. R. Percy Cruikshank, Rapid City.
Maryland—William Lee Howard, M. D., Baltimore.
Massachusetts—
Mexico—Leon Lewis, M, D,, Ozuluama.
Michigan—Clarence A. Lightner, Detroit.
Minnesota—Wm. Asbury Hall, M.D., Minneapolis
Missouri—W. B. Outten, M. D., St. Louis.
Montana—C. K. Cole, M. D., Helena.
Nebraska—Hon. John M. Thurston, Omaha.
Nevada—S. M. Bishop, M. D., Reno.
New Brunswick—Dr. William Bayard. St. John.
Newfoundland—Dr. K. D. McKenzie, St. Johns.
New Hampshire—D. M. Currier, M. D., Concord.
New Jersey—Dr. Alex. Wilder, Newark.
New Mexico—Hon. Bradford L. Prince, Santa Fe.
New South Wales—George A. Tucker, M. D.
New York—Mrs. M. Louise Thomas, N. Y. City.
New Zealand—Prof. Frank G. Ogston, Dunedin.
Nicaragua—Dr. Lewis H. Labayle.
North Carolina—Dr. Edw. Register, Charlotte.
Norway—Dr. Harold Smedal, Christiana.
Nova Scotia—Hon. William S. Fielding, Ottawa.
Ohio—Dr. Clarence S. Ward, Warren.
Oklahoma Ter.—A. H. Simonton, M. D., Okla. City.
Ontario—Daniel Clark, M. D., Toronto.
Oregon—Ex-Chief Just. Hon. Wm. P. Lord, Salem.
Pennsylvania—George B. Miller, M. D., Philada.
Peru—Dr. Estevan Campodonico, Lima.
Portugal—Bettincourt Rodriguez, M. D., Lisbon.
Quebec—Dr. G. P. Girdwood, Montreal.
Queensland—Thomas Crisp Poole. Brisbane.
Rhode Island—Frank B. Fuller, Pawtucket.
Russia—Prof. Dr. Mierzejewski, St. Petersburgh.
San Domingo—A. Wos Y. Gil, San Domingo.
Salvador— ——— Cordova, N. Y. City.
Saxony—Judge de Alinge, Oberkotzon Hof.
Scotland—W. W. Ireland, Edinburgh.
Servia—Hon. Paul Savitch, Belgrade.
Sicily—Prof. Dr. Fernando Puglia, Messina.
Silesia—Herman Kornfeld, M. D., Gleiwitz.
South Carolina—S. W. Babcock, M. D., Columbia.
Spain—Sig. A. M. Alv. Taladriz, M. D., Valladolid.
Sweden—Prof. Dr. A. Winroth, Lund.
Switzerland—Louis Lombard, Lugano.
Tennessee—Michael Campbell, M. D., Nashville.
Texas—Dr. D. R. Wallace, Terrell.
Tonga—Dr. Donald McClennen, Tonga.
Turkey—Dr. Luigi Mongeri, Constantinople.
Utah—Frederic Clift, M. D., LL. D., Provo.
Vermont—Prof. Dr. W. H. Burnap, Burlington.
Virginia—William F. Drewry, Petersburg.
Washington—Jas. C. Waugh, M. D., Mt. Vernon.
West Virginia—F. M. Hood, M. D., Weston.
Wisconsin—Dr. U. O. B. Wingate, Milwaukee.
Wyoming—R. Harvey Reed, M. D., Rock Spri

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Curator,
COL. L. S. BEAN, of El Passo, Texas.

Toxicologist,
PROF. H. S. ECKELS, of Philadelphia.

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ALFRED W. HERZOG, M. D., of New York.

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Medical, H. EDWIN LEWIS, M.D., 3 yrs., of New York.

PERMANENT COMMISSION,
For 3 years,

Legal, JUDGE C. G. GARRISON, 3 yrs., Camden, N. J.

Medical, NICHOLAS SENN, M. D., 3 yrs., of Chicago.

The officers were instructed to send it out to members. The call for the Meeting of December 19, 1906, was presented, and on motion approved.

The Chair was on motion authorized to add any additional names to the Select Committee in the matter of Poisoning by Inhalation of Chloroform, or on "Embalming."

The Society then adjourned to meet at 2 p. m. with the Congress.

At 2 p. m. the 16th, the Society met again in Joint Session with the Congress and adjourned when the Congress adjourned at 5:30 p. m.

CLARK BELL, President.

J. MOUNT BLEYER, Secretary Pro Tem.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

DECEMBER MEETING, DECEMBER 19, 1906.

Society met at Hotel St. Andrews, at dinner, at 7 p. m., President Clark Bell in the chair; J. R. Alarbanell, Secretary, and Dr. A. W. Bloomer, Assistant Sevretary, present.

The President nominated Judge Wm. H. Francis, Dr. J. Mount Bleyer and Dr. A. W. Bloomer, Tellers, to whom the election ballots were delivered and canvassed.

The minutes of the meeting of November 14, 15 and 16 were read from the galley proofs of December Journal, and on motion duly approved.

The following persons were elected on recommendation of the Executive Board:

Proposed by Clark Bell, Prof. Dr. Henry Albert, M. S., M. D., of Iowa University, Iowa City, Iowa.

Proposed by Dr. Shufeldt, Dr. Albert Victor Lyon, 231 W. 116th Street.

The candidates were duly elected.

The Treasurer's Report was presented, which was as follows: Receipts for the term (April, 1906, to December, 1906) was submitted as being $270.59; disbursements, $123.32; balance on hand, $147.37. On motion the report was received and ordered placed on file.

The President made a short address.

The preliminary report of the Committee on Embalming by the Right Brachial Artery in the Case of Patrick. was presented and red by the Chairman, Prof. H. S. Eckels. The report was received, and after discussion it was unanimously adopted.

The Chairman of the Committee, Prof. H. S. Eckels, then submitted the main report of the Committee on Embalming, and the Legal Prevention of the Use of Poisons in Embalming Fluids, which was read, and on motion received. On motion the said report was adopted, after discussion.

Judge W. H. Francis then asked leave to be heard on the Prelimary Report on the Case of Pardon for Patrick, stating that he was not in the Hall when the report was before the Society.

Mr. Bell, the President, then asked unanimous consent, that Judge Francis be heard, although the report had been unanimously adopted. No objection. Judge Francis stated, that he desired to have his objection noted, to the report, not as to facts, that recited, but he thought it was not consistent with the dignity and high position the Society held on the question involved to recommend the

pardon of an individual. That its true mission should be to pass on the scientific questions presented. He felt that it would be equally unwise to pass any opinion, on the guilt of an accused.

This statement gave rise to an interesting discussion.

The President stated what the action of the Society had been in the case of Paul Schoeppe, in the Supreme Court of that State in the past, and recited in detail the historical facts, that had crowned the efforts of the Society with success after great obstacles, which involved a change in the law of Pennsylvania, allowing appeals in murder cases that had not existed before.

J. R. Abarbanell, Dr. Elmer Lee, Dr. J. Mount Bleyer took part in the discussion. At the close of which Judge Francis said that he did not wish to make any motion to reconsider the action, but to raise the question.

The Reports as reported were then, on motion after discussion, adopted unanimously, and are as follows:

These Reports will be found elsewhere in this Journal, under Toxicological.

The following paers were read by title:

By Prof. Albert on the "Slifer Case in Its Relation to Chloroform."

The letter of Dr. A. T. Westcott, on the question of "Embalming."

A telegram from Hon. D. B. Hill, was read.

Mr. Bell submitted a statement on the History of the Inquiry on Embalming, which had appeared in the September Number of the Journal and the action of the Society on making an appeal for the Pardon of Patrick and under the action of the Executive Officers, which was approved and order to be now continued by a grand appeal to the public press and those who favor his pardon.

He also submitted the Minutes of the Transactions of the American International Congress on Tuberculosis, held Sovember 14, 15 and 16, at Hotel Astor, where this body met in Joint Session, and of the Dinner given by this Society, at Hotel Astor on November 15th, reading from the Minutes of the November Meeting of the Society, which would appear in the December Journal.

Mr. Bell then submitted to the Society the communication of Prof. Otto Von Schroen, with 33 illustrations, which he desired read before this body. The paper was read by title and ordered printed in the Journal.

The President announced the death of Dr. Shrader, of Iowa, and submitted an obituary contributed by Prof. Albert, which was order printed.

The death of Ex-President Hon. Jacob F. Miller was made known by the Chair since the notices for this meeting had gone out.

Memorial addresses were made by the Chair, Hon. A. H. Dailey, Judge Wm. H. Francis, Miss Phillips, a guest from the Alpha Club of which Mr. Miller had been President; J. R. Abarbanell and others.

The report of the letters of the result of the election of officers was then made, who reported the election of the following officers:

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Ontario—Daniel Clark, M. D., Toronto.
Oregon—Ex-Chief Just. Hon. Wm. P. Lord, Salem.
Pennsylvania—George B. Miller, M. D., Philada.
Peru—Dr. Estevan Campodonico, Lima.
Portugal—Bettincourt Rodriguez, M. D., Lisbon.
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Salvador— ——— Cordova, N. Y. City.
Saxony—Judge de Alinge, Oberkotzon Hof.
Scotland—W. W. Ireland, Edinburgh.
Servia—Hon. Paul Savitch, Belgrade.
Sicily—Prof. Dr. Fernando Puglia, Messina.
Silesia—Herman Kornfeld, M. D., Gleiwitz.
South Carolina—S. W. Babcock, M. D., Columbia.
Spain—Sig. A. M. Alv. Taladriz, M. D., Valladolid.
Sweden—Prof. Dr. A. Winroth, Lund.
Switzerland—Louis Lombard, Lugano.
Tennessee—Michael Campbell, M. D., Nashville.
Texas—Dr. D. R. Wallace, Terrell.
Tonga—Dr. Donald McClennen, Tonga.
Turkey—Dr. Luigi Mongeri, Constantinople.
Utah—Frederic Clift, M. D., LL. D., Provo.
Vermont—Prof. Dr. W. H. Burnap, Burlington.
Virginia—William F. Drewry, Petersburg.
Washington—Jas. C. Waugh, M. D., Mt. Vernon.
West Virginia—F. M. Hood, M. D., Weston.
Wisconsin—Dr. U. O. B. Wingate, Milwaukee.
Wyoming—R. Harvey Reed, M. D., Rock Spri

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Microscopist,

PROF. MARSHALL D. EWELL, Chicago, Ill.

TRUSTEES.

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JUDGE WM. H. FRANCIS, 3 yrs., of Newark, N. J.
JUDGE A. J. DITTENHOEFER, 2 yrs. of N. Y.
HON. ALFRED STECKLER, 1 yr., of New York.

Medical,

R. W. SHUFELDT, M. D., 3 yrs., of N. Y. City.
DR ALBERT B. WHITNEY, 2 yrs., of N. Y.
DR. GEO. SANDERS, 1 yr., of N. Y. City.

COUNSELLORS.

For 3 years.

Legal,	*Medical,*
STILES JUDSON, JR. 3 yrs. of Bridgeport, Conn.	H. EDWIN LEWIS, M.D., 3 yrs., of New York.
THEO. SCHROEDER, Esq., 2 yrs, of N. Y. City.	JAMES MORAN, M. D., 2 yrs,, of N. Y. City.
HENRY WOLLMAN, Esq., 1 yr., of New York City.	D. D. STEVENS, M. D., 1 yr., of N. Y. City.

PERMANENT COMMISSION.

For 3 years,

Legal,	*Medical,*
JUDGE C. G. GARRISON, 3 yrs., Camden, N. J.	NICHOLAS SENN, M. D., 3 yrs., of Chicago.
JUDGE L. A. EMERY, 2 yrs., of Maine.	DR. WM. B. FLETCHER, 2 yrs., of Indianapolis, Ind.
CLARK BELL, Esq., 1 yr., of New York City.	GEO. L. PORTER, M. D., 1 yr., of Bridgeport, Conn.

The Meeting adjourned.

CLARK BELL,
President.

J. R. ABARBANELL,
Secrtary.

A. W. BLOOMER,
Assistant Secretary.

HON. SAMUEL WILLIS TUCKER LANHAM,

Governor of Texas,
Honorary Vice President American International Congress on Tuberculosis.

Gov. Lanham was born at Spartanburgh, South Carolina, July 4th, 1846, a son of James Madison and Louise (Tucker) Lanham, and was educated in the public schools. When a lad of 16 he entered the Confederate army and served in the Third South Carolina Regiment.

He married Sallie B. King, September 4th, 1846, at Union County, South Carolina, and the same year moved to Texas and commenced the study of law, when he was admitted to the Bar in 1869, and soon became prominent at the Bar of that State.

He was elected District Attorney of the 13th District; was a Presidential elector in 1880; was elected to Congress and served from 1883 to 1893, and later re-elected and served from 1896 to 1903, both inclusive, representing the 8th Texas District.

In the Fall of 1902, he was elected Governor of the State of Texas, and served from 1903 to 1905; re-elected and is now governor of that state.

A Democrat in political faith, he takes a deep interest in all public questions, and feeling an interest in the work and aims of the American International Congress on Tuberculosis, although unable to attend, named a strong list of delegates and wrote a highly sympathetic letter to the officers. He is very prominent in the political affairs of Texas, and is one of the ablest men in public life in the Lone Star State, and will do all in his power for the welfare of the Congress and aid its success.

HON. S. W. T. LANHAM,
Honorary Vice President American International Congress on Tuberculosis,
Governor of Texas,
Austin.

EDITORIAL.

THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

This body held a three days' session at the Hotel Astor, on the 16th of November, 1906, which was largely attended by delegates from all part of the American Union, and from Foreign Governments and Countries. It was its Fifth Session, and it was, in many respects, the most successful of all the meetings it has ever held.

It can well be said, of its work in the conflict with Tuberculosis, that it was more successful than its Management had anticipated, and that its labors will be more productive of good to the cause than any previous meeting of the body.

The Governments of Ecuador, Guatemala, Hayti, Honduras and Costa Rica were represented by delegates who attended in person.

Peru sent greetings and explanations, and pledged herself to our State Department, in advance, to endorse the action of the body.

The Mexican delegate was unable to be present, but the sympathetic support of that Government, through President Diaz, was sent through our State Department, and by him personally.

The delegation from the South Western States, Texas and Louisiana, was strong and able. Texas, besides a strong delegation, sent the President, Dr. F. E. Daniel, of Austin, who contributed, in his Presidential Address, the ablest paper he has ever written on any theme, and which

will add lustre to his useful life. His speech at the Dinner was extemporaneous, but was in his best vein, and he is one of the most eloquent and gifted after-dinner speakers of the Southern States. He is the veteran Editor of the Texas Medical Journal.

Dr. M. M. Smith, the Secretary, Editor of the Medical News, contributed two important papers. Dr. Geo. R. Tabor, one of the most successful Sanitarians in the United States, assumed the chairmanship of the Committee on Municipal and State Sanitoria, and made eloquent addresses. He was re-elected First Vice President, to which place he had been recently appointed, and pledged himself to devote his best talent and energies to the success of the work.

From Louisania came an able delegation, headed by Dr. Clifford H. Irion, President of the State Board of Health, who detailed the progress of the work in that State, was elected President of the body, for 1907, and in accepting the office, pledged himself to give his best efforts for the success of the Congress.

Prof. W. H. Brewer, of New Haven, Conn., was a conspicuous figure on the floor of the Congress.

His address on the discussion of the paper of Mr. Clark Bell, Chairman of the Standing Committee on Preventive Legislation, was a most brilliant effort and reviewed the whole progress of scientific research in its historical aspect. His long service in the State of Connecticut in its Health Board, made his summary of profound interest. His remarks on State and Municipal Sanitoria were especially well stated and received with great enthusiasm. He was offered the Presidency of the Congress, but his advanced age and his determination not to assume the labor and responsibility of such a place, prevented his acceptance.

Dr. A. N. Bell, the first President of the Congress, the founder and for so many years the Editor of the Sanitarian, who may well be called the Nestor of American

Sanitarians, made an admirable address of welcome to the Congress; following Mr. Clark Bell, who, as President of the Medico-Legal Society, opened the Congress, with an address of welcome from that body; which had founded the Congress in 1900, and who had sat in Joint Session at all its public meetings since the first in 1900.

The delegates from the Foreign Countries, at the opening ceremonies, made addresses and reports from their several Governments. Virginia, West Virginia and North Carolina were well represented and the delegates from the various States responded at the roll call of States, Dr. J. C. Walton, of Virginia, had spoke in favor of the Congress Meeting this year at the Virginia Centennial Meeting and Exposition at Jamestown, which met with favor.

The Medico-Legal Society had tendered a Dinner to the Congress, its delegates and members, which was given in the best style of the Hotel Astor which has made itself the best style of the Hotel Astor, which has made itself famous already, by the excellence of its cuisine and the

The proprietor of the Hotel Astor is one of the most conspicuous figures in the American Metropolis, in the management of a hotel of the first class. It is doubtful if he has any superior in his specialty. He has placed the Hotel Astor in the front rank; and his generosity in placing the splendid rooms of his hotel at the disposition of the Congress, without charge; shows the breadth of his views, and the strength of his sympathy, for the aims of the Congress which depends wholly on voluntary contributions of its members for the expenses of its work.

Mr. Wm. C. Muschenheim received the thanks of the Congress for his generous hospitality, and perhaps no act of his life will give more prominence to his splendid Hotel than holding the Congress there, and entertaining the delegates of Foreign Governments. He neglected nothing to demonstrate to these delegates the superiority of the Hotel Astor in every respect.

The entire list of Honorary Presidents, as announced in the Programme of the Congress, were re-elected, with the additions, appearing in the annexed list of officers.

Officers of the American International Congress on Tuberculosis for 1907:

Hon. Gen. Russell A. Alger, Ex-Secretary of War, U. S. Senator from Michigan, Detroit, Michigan.

Hon. Clark Bell, LL. D., Chairman Committee on Organization; Chairman Executive Board and President of the Medico-Legal Society, New York City.

Hon. Abram H. Dailey, Ex-Surrogate and Honorary Member Medico-Legal Society, Brooklyn, N. Y.

Hon. Porfirio Diaz, President of the Republic of Mexico, City of Mexico.

Hon. Moritz Ellinger, Esq., President of the Council, Ex-Coroner of New York City, Cor. Secretary and Honorary Member of the Medico-Legal Society, New York City.

Hon. L. A. Emery, Justice Supreme Court of Maine, Honorary Member Medico-Legal Society, Prof. Medical Jurisprudence, Bowdoin College, Ellsworth, Maine.

Hon. W. S. Fielding, Minister of Finance, Dominion of Canada, Ottawa, Canada.

Hon. Charles G. Garrison, Justice of the Supreme Court of New Jersey, Honorary Member Medico-Legal Society, Camden, N. J.

*Hon. John Hay, American Secretary of State, Honorary Member Medico-Legal Society, Washington, D. C.

Hon. Stephen B. Elkins, U. S. Senator from West Virginia, Washington, D. C.

Hon. James Loudon, President of the University of Toronto, Honorary Vice President of the Congress, Toronto, Ont.

Hon. Senor Ignacio Mariscal, Minister of Foreign Relations of Mexico, City of Mexico.

Dr. Wm. Bayard, Honorary Vice President for New Brunswick, St. John, N. B.

Dr. A. N. Bell, Editor Sanitarian, Ex-President American Congress on Tuberculosis, Honorary Member Medico-Legal Society, Brooklyn, N. Y.

Dr. E. J. Barrick, M. D., M. R. C. S., Eng.—L. R. C. P. and S., London and Edinburg, President American Congress on Tuberculosis, Toronto, Ont.

W. B. Fletcher, M. D., late Supt. State Hospital for Insane, Vice President American Congress on Tuberculosis, Indianapolis, Ind.

Hon. L. F. C. Garvin, M. D., Honorary Vice President of the Congress, Ex-Governor of Rhode Island.

Sir Wm. Hingston, M. D., M. P., Honorary Vice President of the American Congress on Tuberculosis, Montreal, Canada.

Prof. Dr. Charles H. Hughes, Editor of the Alienist and Neurologist, Honorary Member of the Medico-Legal Society, St. Louis, Mo.

Prof. Dr. Herman Kornfeld, Honorary Vice President of the Congress, Honorary Member of the Medico-Legal Society, Gleiwitz, Germany.

Hon. Miguel A. Otero, M. D., Honorary Vice President of the Congress, Ex-Governor of New Mexico, Sante Fe, N. M.

Hon. Geo. C. Pardee, M. D., Governor of California, Honorary Vice President of the Congress, Secretary State Board of Health, Sacramento, Cal.

General Presley M. Rixie, M. D., Surgeon-General U. S. Army, Washington, D. C.

Gen. Nicholas Senn, M. D., Surgeon-General of Illinois, Chicago, Ill.
Prof. Dr. Otto Von Schroen, Royal University of Naples, Naples, Italy.
*Deceased.

The following additional Honorary Presidents were elected at New York Session, 1906:

Hon. Manuel Quintana, President of the Argentine Republique.
Hon. Ismael Montes, President of Bolivia.
Hon. General Rafael Reyes, President of Columbia.
Hon. Assuncion Esquivel, President of Cocta Rica.
Hon. Carlo F. Morales, President of the Dominican Republic.
Hon. Lizardo Garcia, President of Ecuador.
Prof. Dr. Moritz Benedikt, Vienna, Austria.
Prof. Dr. Miguel Bombarda, Secretary International Medical Congress of Lisbon, Portugal.
Dr. A. Motet, Honorary Member Medico-Legal Society, of New York; ex-Secretary Medico-Legal Society, Paris, France.
Hon. Manuel Estrada Cabrera, President of Guatemala.
General Nord Alexis, President of Hayti.
Hon. Manuel Bonilla, President of Honduras.
Prof. Dr. Costa Amao, President International Medical Congress at Lisbon, Portugal.
Dr. W. W. Ireland, Honorary Member Medico-Legal Society, New York, Scotland.
Hon. Elihu Root, American Secretary of State, Washington, D. C.
Hon. Jose Pardo, President of Peru.
Hon. Pedro Jose Escalon, President of Salvador.

The Officers elected for 1907 are:

President, Dr. Clifford H. Irion, New Orleans, La.
First Vice President, Geo. R. Tabor, Austin, Texas.
Second Vice President, Dr. Thos. Bassett Keys, Chicago, Ill.
Third Vice President, Dr. Francis T. B. Fest, Las Vegas, N. M.
Fourth Vice President, Dr. W. F. Drewry, Petersburg, Va.
Fifth Vice President, Dr. J. W. McDonald, Fairmount, W. Va.
Secretary and Treasurer, Dr. M. M. Smith, Austin, Texas.
Mr. Bell declining re-election.

The Council was re-elected entire:

L. S. Bean, Esq., El Paso, Texas.
Dr. J. Mount Bleyer, Chairman, New York City.
Dr. N. K. Foster, Sacramento, Cal.
Judge Wm. H. Francis, Newark, N. J.
Dr. Denslow Lewis, Chicago, Ill.
Dr. H. Edwin Lewis, New York.
Dr. W. F. Morrow, Kansas City, Mo.
Dr. Andrew C. Smith, Portland, Ore.
Dr. Juan J. Ulloa, New York City.

The Vice Presidents-at-Large were unanimously re-elected with the following additions and changes:

Dr. T. L. Barber, Charleston, W. Va.
Dr. William Bayard, St. John, N. B.
Dr. A. C. Bernays, St. Louis, Mo.
Dr. Wm. F. Brunner, Savannah, Georgia.
Dr. W. P. Cavan, Toronto.
Col. E. Chancellor, M. D., St. Louis, Mo.
Dr. Daniel Clark, Toronto.
Dr. T. D. Crothers, Hartford, Conn.
Rev. C. S. Eby, D. D., Bracebridge, Ont.
Dr. Juan A. Fortich, Cartagena, Columbia, S. C.
Dr. R. F. Graham, Greely, Col.

Dr. Chas. G. Hicks, Dublin, Georgia.
Dr. Luis H. Labayle, Leon, Nicaragua.
Dr. Richard H. Lewis, Raliegh, N. C.
Dr. Louis LeRoy, Nashville, Tenn.
Dr. Dwight S. Moore, Jamestown, N. Y.
Dr. W. H. Moorehouse, London, Ont.
Dr. Wm. H. Murray, Plainfield, N. J.
Dr. J. A. McNeven, Gibbonsville, Idaho.
Dr. A. E. Osborne, Santa Clara, Cal.
Dr. Joseph Y. Porter, Key West, Florida.
Dr. M. M. Pearson, Virginia.
Dr. R. W. Powell, Ottawa.
*Dr. J. C. Shrader, Iowa City, Iowa.
Dr. John H. Simon, Health Commissioner, St. Louis, Mo.
Capt. H. D. Snyder, M. D., Governor's Island, N. Y.
Prof. J. H. Tyndale, M. D., Lincoln, Neb.
Dr. C. S. Ward, Warren, Ohio.
Ex-Senator Henry D. Winton, Hackensack, N. J.

*Deceased.

The Honorary Vice Presidents were all re-elected, and the following Governors of States and others added to the list who had accepted the distinction:

HONORARY VICE PRESIDENTS.

Alaska—Hon. John G. Brady, Ex-Governor, Sitka.

Arizona—Hon. N. O. Murphy, Ex-Governor of the Territory.
Hon. Jos. H. Kibbey, Governor, Phoenix.

California—Hon. George C. Pardee, Sacramento.
Dr. A. E. Regensberger, San Francisco.

Colorado—Hon. James H. Peabody, Denver.
Hon. Jesse F. McDonald, Denver.

Connecticut—Hon. Henry Roberts, Hartford.
Prof. W. H. Brewer, New Haven.

Georgia—Hon. L. E. Bleckley, Ex-Chief Justice, Atlanta.
Hon. Allen D. Candler, Ex-Governor, Atlanta.

Idaho—Hon. Frank W. Hunt, Ex-Governor, Boise City.

Illinois—Hon. N. O. Nelson, Edwardsville, Ill.

Iowa—Hon. Albert B. Cummins, Ex-Governor.
Dr. Sophie Hinzie Scott, DesMoines.
Dr. Mary D. Ardery, Knoxville.
Dr. J. C. Shrader, Iowa City.*

Kansas—Hon. W. E. Stanley, Ex-Governor, Topeka.
Hon. Edward W. Hoch, Governor, Topeka.

Kentucky—Hon. J. C. Beckham, Ex-Governor, Frankford.

Maine—Hon. John F. Hill, Ex-Governor, Augusta.

Maryland—Dr. Wm. Lee Howard, Baltimore.

Michigan—Hon. Aaron T. Bliss, Ex-Governor, Lansing.

Minnesota—Hon. S. R. Van Sant, Governor, St. Paul.

Mississippi—Hon. A. H. Longino, Ex-Governor, Jackson.

Missouri—Hon. Joseph W. Folk, St. Louis.
Hon. Alex. M. Dockery, Ex-Governor, Jefferson City.
Hon. D. Pat Dyer, St. Louis.
Dr. Chas. Wood Fassett, St. Joseph.

Montana—Hon. Joseph K. Toole, Ex-Governor, Helena.

Nebraska—Hon. E. T. Savage, Ex-Governor, Lincoln.
Prof. J. H. Tyndale, M. D., Lincoln.

NewHampshire—Hon. C. B. Jordan, Ex-Governor, Ludlow.
Dr. George W. Grover, Nashua.

New Jersey—Hon. Edward C. Stokes, Governor, Trenton.
Hon. Franklin Murphy, Ex-Governor, Trenton.

New Mexico—Hon. Herbert J. Hagerman, Santa Fe.
Miguel A. Otero, Ex-Governor, Santa Fe.
L. Bradford Prince, Santa Fe.

New York—Hon. Frank W. Higgins, Governor, Albany.
Dr. C. K. Cole, New York.

North Carolina—Hon. Charles B. Aycock, Ex-Governor, Raleigh.

Pennsylvania—Hon. Wm. A. Stone, Ex-Governor, Harrisburg.

Rhode Island—Hon. Lucius F. C. Garvin, Ex-Governor, Providence.

South Carolina—Hon. M. B. McSweeney, Ex-Governor, Columbia.

South Dakota—Hon. Charles N. Herried, Ex-Governor, Pierre.

Tennessee—Hon. Robert Taylor, Knoxville.
Hon. Benton McMillin, Ex-Governor, Nashville.*
Hon. John T. Cox, Nashville.

Texas—Hon. Samuel W. T. Lanham, Governor, Austin.
Hon. Joseph B. Sayres, Ex-Governor, Austin.

Utah—Hon. John C. Cutler, Governor, Salt Lake.
Hon. Heber M. Wells, Ex-Governor.

Vermont—Hon. William W. Stickney, Ex-Governor, Montpelier.

Virginia—Hon. Claude A. Swanson, Governor, Richmond.
Hon. A. J. Montague, Ex-Governor, Richmond.

Washington, D. C.—Hon. David J. Brewer, U. S. Supreme Court.

West Virginia—Hon. Wm. M. O. Dawson, Charleston.
Hon. A. B. White, Ex-Governor, Charleston.

Wisconsin—Hon. J. O. Davidson, Madison.

Wyoming—Hon. Deforest Richards, Ex-Governor, Cheyenne.

Cuba—Gen'l. Leonard Wood, M. D., Military Governor, Philippines.

From the Dominion of Canada.

Hon. A. G. Blair, Ex-Minister of Railways and Canada, Ottawa.

Hon. William S. Fielding, Ex-Minister of Finance, Ottawa.

W. C. Edwards, M. P., President Canadian Association for the Prevention of Tuberculosis, Ottawa.

From the Provinces of the Dominion of Canada.

British Columbia—Hon. Henry G. Joly de Lotbiniere, Lieut. Governor, Victoria.

New Brunswick—Hon. J. Bunting Snowball, Lt. Governor, St. John, N. B.

New Foundland—Hon. Sir Cavendish Boyle, Colonial Governor, K. C. M. G., St. John.

North West Territories—Hon. A. E. Forget, Lt. Governor, Regina.

Nova Scotia—Hon. A. G. Jones, Lt. Governor, Halifax.

Ontario—Lieut. Gov. Hon. W. Mortimer Clark, Toronto.
Dr. John Ferguson, Toronto.

Quebec—Hon. A. Robitaille, Provincial Secretary, Quebec.
Dr. T. G. Roddick, M. P., Montreal, Quebec.
Sir William Hingston, M. D., Montreal, Quebec.
Hon. Senator Geo. A. Drummond, Montreal, Quebec.
Hon. L. A. Jette, Lt. Governor of Quebec.
James Loudon, President of the University of Toronto.
Hon. J. R. Stratton, Provincial Secretary, Toronto.

All the Vice Presidents of States were re-elected as listed on the Programme, and the following additional names were added and declared elected:

VICE PRESIDENTS.

From the States of the American Union.

Alabama—W. H. Blake, M. D., Sheffield; Dr. R. M. Cunningham, Ensley; John C. LeGrande, M. D., Birmingham.

Alaska—Hon. Governor C. D. Rogers, Juneau; Dr. Park Winter Stewart, Nome City.

Arkansas—Dr. H. C. Dunavant, Little Rock.

Arizona—John C. Herndon, Esq., Attorney-at-Law, Prescott; Dr. Jones Tempe, Prescott.

California—Alfred E. Regensburger, 14 Grant Avenue, San Francisco; Hon. A. Reuf, San Francisco; Dr. P. C. Remondino, San Diego; Dr. N. K. Foster, Secretary Board of Health; Dr. Winslow Anderson, San Francisco; Dr. S. M. Pottinger, Prof. Norman Bridge, Los Angles.

Colorado—Dr. Charles C. Rice, Pueblo.

Connecticut—Hon. James P. Bree, State Senator.

Delaware—Dr. W. S. Hancken, Farnhurst.

Florida—J. Harris Pierpont, M. D., Pensacola; D. J. DeWitt Webb; R. D. Murphy, Key West.

Georgia—Hon. T. B. Fetter; Dr. H. McHatton, Macon; Dr. Arthur A. Van Dyke, Atlanta; Charles Hicks, Dublin; C. C. Jones, M. D., President State Medical Society.

Hawaii—W. O. Smith and C. B. Cooper, M. D., of Honolulu; B. D. Bond, Esq., Kohala.

Idaho—Dr. J. B. Morris, Lewiston; Dr. William F. Smith, Mountain Home; Mr. Charles L. Joy, Boise City.

Illinois—Dr. Denslow Lewis, Dr. W. E. Quine, Chicago; Hon. N. O. Nelson, Edwardsville; Dr. Henry B. Favill, Chicago; S. C. Fairbrother, East St. Louis.

Indiana—Henry Warren, Esq., of Indianapolis; J. P. English, M. D., Terre Haute; W. B. Fletcher, Indianapolis; J. J. Roberts, Terre Haute.

Iowa—J. J. Gibson, M. D., Ex-State Veterinary Surgeon, Denison; Hon. J. M. Emmert, M. D., State Senator, Atlantic; Dr. Jennie McCowen, Davenport.

Kansas—W. E. McVey, M. D., Topeka.

Kentucky—Prof. Frank C. Wilson, M. D., Louisville.

Louisiana—Dr. Felix Fermente, 135 Esplanade Ave., Prof. Dr. J. B. Elliott, Morris Building, Dr. P. G. Archinard, all of New Orleans.

Maine—Prof. F. N. Whittier, M. D., Brunswick; Dr. A. G. Young, Augusta; Dr. Alonzo Garcelon, Lewiston; Hon. L. A. Emery, Professor of Medical Jurisprudence, Honorary Member Medico-Legal Society and Vice President for Maine, Ellsworth.

Maryland—William Lee Howard, M. D.; Duncan McCalman, M. D., Baltimore.

Massachusetts—Dr. Henry O. Marcy, Boston; Dr. J. H. McCullom, South Division Boston City Hospital, of Boston; Dr. George W. Grover, Sheffield.

Michigan—Hon. Henry A. Heigh, Detroit; John H. Kellogg, M. D., Battle Creek; Clarence A. Lightner, Esq., Detroit.

Minnesota—Dr. H. Longstreet Taylor, St. Paul.

Missouri—Dr. C. Bark, Dr. Leonidas H. Laidley, both of St. Louis; Dr. A. W. McAlester, Columbia.

Montana—John C. Clayberg, Esq., Helena; John A. Donovan, M. D., Buttee; Donald Campbell, M. D., Butte; Thos. J. Murray, M. D., Butte.

Nebraska—Dr. Wm. O. Bridges, 302 Bee Building, Omaha; Dr. Emmett Giffen, Richards Block, Lincoln; Elmer J. Burkett, Esq., Lincoln.

New Hampshire—Dr. G. P. Conn, Concord; Hon. J. W. Fellows, Manchester.*

New Jersey—Fred. L. Hoffman, Esq., Newark; Ex-Senator H. D. Winton, Hackensack.

New Mexico—Dr. Francis Crosson, Albuquerque; Dr. C. G. Duncan, Socarr; Surgeon E. N. Carrington, M. H. S., Fort Stanton, New Mexico, delegate from the Marine Hospital Service, U. S. Government; Maj. Bushnell, of Fort Bayard; Wm. W. M. Maker, Esq., Las Vegas.

New York—Dr. Ernst J. Lederle, Ph. D., Ex-President of the Board of Health of the City of New York; Dr. John Vanderpool, 36 West 39th Street, New York City; Eugene Porter, M. A., M. D., 171 West 73d Street, New York; Leigh Hunt, M. D., 15 East 12th Street, New York; Roger Foster, Esq., New York City; Hon. Wm. W. Goodrich, Ex-Presiding Justice Appellate Division, 2d Department,* New York Supreme Court, Vice Presidents for New York.

North Carolina—Dr. J. Roy Williams, Greensboro; Dr. William L. Dunn, Asheville.

North Dakota—Dr. Dwight Shumway Moore, Jamestown.

Ohio—Hon. Joseph Outhwaite, President Ohio Society for the Prevention of Tuberculosis, Columbus; Sherman E. Simmons, M. D., Norwalk.

Oregon—Dr. August C. Kinney, Astoria; Dr. Albert R. Sweetsor, of Eugene, State Biologist and of the Biological Laboratory of the University of Oregon.

Pennsylvania—Dr. J. W. C. O'Neal, Gettysburg; Dr. M. K. Kassabian, Philadelphia; Major James Evelyn Pilcher, U. S. A., L. H. D., Carlisle, Pa.

Rhode Island—Charles V. Chapin, M. D., Providence; Dr. George F. Keesey, Howard.

South Carolina—George R. Dean, M. D., Spartanburg.

Tennessee—Dr. J. D. Plunkett, Nashville; R. F. Spragins, Esq., Jackson.

Texas—Dr. C. B. Raines, of Mineral Wells; Dr. Samuel R. Burroughs, Buffalo; Dr. John F. Moore, Galveston; Dr. T. J. Bennett, Austin; S. P. Rice, Marlin.

Utah—Dr. Martha Hughes Cannon, Salt Lake City; Dr. H. A. Anderson, Salt Lake City; Dr. Geo. W. Baker, Ogden; Col. Willard Young, Salt Lake City.

Vermont—Dr. C. S. Caverly, Rutland; Hon. Fletcher Proctor, Proctor; Dr. M. J. Wiltsse, Burlington.

Virginia—George Ben Johnson, M. D., Richmond; H. W. Nash, Norfolk; Dr. Paulus A. Irving, Richmond.

Washington, D. C.—Surgeon Preston H. Bailhache, U. S. M. H., delegate from the U. S. Government; Surgeon W. C. Brasted, U. S. Navy, delegate from the U. S. Government; Captain Henry D. Snyder, M. D., U. S. Army, delegate from the U. S. Government to the Congress, Washington, D. C.

Washington—Sofus B. Nelson, Veterinarian, Washington Agricultural Experiment Station, Pullman; Hon. I. M. Byrne, Mayor of Spokane; Dr. Parke Winke, Seattle.

West Virginia—Wm. W. Golden, Elkins, President Medical Society of the State of West Virginia; T. L. Barber, M. D., Charleston; Dr. G. D. Lind, New Richmond.

Wisconsin—Hon. Alvin C. Brager, Milwaukee; Dr. G. A. Richie, 788 College Avenue, Appleton; Dr. Moses J. White, Milwaukee; Dr. Charles Oviatt, Oshkosh; Dr. Hugo Philler, Waukaska.

Wyoming—John W. Lacy, Esq., Cheyenne; Dr. R. Harvey Reed, Rock Spring; Dr. G. G. Verbryck, Cambria.

Cuba—Dr. F. F. Falco, Editor Cultura Latina, Havana.

Porto Rico—William Fassett Smith, M. D., Secretary Superior of Board of Health, San Juan; Dr. P. J. Salicup, Ponce.

From the Canadian Provinces.

British Columbia—C. J. Fagan, M. D., Secretary Provincial Board of Health, Victoria; Rev. Leslie Clary, Victoria; Dr. S. T. Turnstale, Vancouver.

Manitoba—Ex-Mayor John Arbuthnot, Dr. H. H. Choun, J. A. M. Aikens, all of Winnepeg.

New Brunswick—Charles J. Coster, M. D., St. John; Dr. Peter Robinson Inches, St. John; Mayor W. W. White, St. John.

Northwest Territory—Dr. J. D. Laferty, Calgary; Dr. G. D. Kennedy, McLeod; Rev. Dr. J. C. Herdman, Calgary.

Ontario—Dr. Wm. Oldright, delegate from the Government of Ontario, Toronto; Dr. Albert Macdonald, Toronto; Dr. J. A. Robertson, Stratford; Mayor Adam Beck, London; Henry O'Brien, Esq., K. C., Toronto.

Prince Edward Island—Dr. Robert McNeill, Rev. Thos. F. Fullerton, Dr. Stephen R. Jenkins, all of Charlottetown.

Quebec—Dr. E. P. Benoit, Dr. J. B. McConnell, Mayor James Cochran, all of Montreal.

From Central and South America.

Argentine Republic—Dr. Samuel Gache, 129 Calle Corrientes, Buenos Aires; Dr. Francisco de Veyga, Calle Lavalle 859, Buenos Aires; Dr. Ernesto Quesada, Buenos Aires.

Bolivia—Signor Ignacio Calderon, La Paz; Hon. R. D. Barber, U. S. Legation, La Paz.

Brazil—Dr. Joas Mattheas, Professor of Hygiene, Bahia; Dr. Pedro E. de Cerquira, Lima, Bahia; Dr. Joaquin Pires Muniz de Carovalho, Advocate, Bahia.

Guatemala—Senor Ramon Bengoechea, City of Guatemala; New York City.

Hayti—Gen. J. A. Bordes, Jeremie; Dr. Borno, Port-au-Prince, Dr. John B. Terres, Port-au-Prince.

Mexico—State of Xalapa—Dr. Enrique Herrera, Xalapa; Dr. Lewis Espanosa, Xalapa; Dr. Sebastian Canovas, Xalapa.

Peru—Dr. Manuel Barrios, M. D., Bahia; Don Pedro Gallagher, Prs-e ident Public Beneficent Society, Lima.

San Domingo—Alexander Wos Gil, ex-Charge d'Affairs, Santo Domingo; Dr. Lyon, Santo Domingo; Dr. Henriques y Carvagal, Santo Domingo.

From Central and South American Governments.

Guatemala—Dr. Bengoechea, Consul General at New York.

Costa Rica—Juan J. Ulloa, Consul General at New York.

Uruguay—Dr. Louis A. Herrera, Legation of Uruguay, Washington, D. C.

Hayti—Dr. Domond; T. E. Jeanty, M. D., Dean of Medical Faculty, Port-au-Prince.

Honduras—Dr. Salvador Cardova, Consul General at New York.

Ecuador—The delegate, Don Juan Gagliardo, Guayaquil.

Mexico—Dr. D. V. Lope, Mexico.

Among the most notable contributions to the Congress were papers

By Prof. Otto Von Schroen, of the Royal University of Naples, Chairman of Standing Committee on the Pathology and Bacteriology of Tuberculosis, a paper giving his recent researches since his contribution of 1904, at St. Louis Congress, with thirty-two beautiful illustrations.

By Prof. Maurice Benedikt, of Vienna.

By Dr. F. E. Daniel, Presidential Address.

By Dr. T. D. Crothers, of Connecticut.

By Dr. W. F. Drewry, of Petersburgh, Virginia.

By Dr. M. M. Smith, of Austin.

By The Foreign Delegates.

By Dr. J. Mount Bleyer, on Light.

By Dr. F. T. Fest, of Las Vegas, New Mexico.

By Dr. L. J. Reinle, of New Jersey.

By Dr. Nellie Klein, of Texas.

By M. K. Kassabian, on the X-Ray in Tuberculosis.

By Hon. N. O. Nelson, on his Experimental Work, with his employees.

By Dr. Thomas Bassett Keyes, of Chicago.

By Dr. C. M. Amende, of New York.

By Clark Bell, Esq., LL. D., on Preventive Legislation.

By Clark Bell, Esq., LL. D., on State and Municipal Sanitoria.

The Resolutions adopted were as follows:

On Preventive Legislation, offered by Clark Bell, Esq.:

"Resolved, That as the sense of this Congress consumption is a communicable disease from one human being to another.

"Resolved, That it is within the power, and it is the duty of the Government of every State, Province or Country to adopt such laws and regulations as will most effectually arrest the ravages and spread of this terrible disease.

"Resolved, That as the efficacy and usefulness of laws depend upon their prompt and vigorous enforcement; and as experience has demonstrated that laws can only be enforced that are in accord with sound public opinion, it is the judgment of this Congress the bounden duty of every citizen to use his influence and his best endeavor to arouse and create a public sentiment in favor of the adoption of preventive legislation respecting this disease, and as well to support the authorities in the vigorous enforcement of such laws when they have them adopted."

Offered by Dr. F. E. Daniel: Re-affirming the Resolutions adopted at the session of the Congress of 1904, at St. Louis:

The resolutions as reported and adopted were as follows:

Whereas, The public health is the paramount interest of every State and nation, and upon it depends in a measure all other interests; and

Whereas, In American countries it is less safeguarded than any interests, public, private, personal or property; and

Whereas, Consumption is the greatest menace and destructive agent to the public health, its mortality according to the last United States census report, being over 400 a day; and

Whereas, The cause or causes of this disease and its methods of dissemination are well understood by medical and sanitary scholars; and

Whereas, It is known to be an infectious and communicable disease the prevention of which is within the power and scope of sanitary science; and

Whereas, It requires the authority of law to institute and enforce the necessary and proper measures of prevention; be it

Resolved, That it is the sense of the American International Congress on Tuberculosis now in session, that it is the imperative duty of all civilized governments to take immediate action for the arrest of the spread of this scourage, and, as far as lies within the power of sanitary science and human endeavor, to eradicate it; and, further, that it is the sense of this Congress that every government should appoint a commissioner of the public health with a seat in the Cabinet, and give adequate authority and means to accomplish the desired ends in suppressing Tuberculosis; and, further, that each State and Territory of the United States, where there exists a State Board of Health, and in those States where there is no Board of Health, there should be created a board composed of the ablest sanitarians, and that authority should be given to such boards to formulate and enforce a code of regulations for the prevention of the ravages of this fatal scourge.

Mr. Clark Bell then moved the same Resolutions that were adopted at the St. Louis Congress, reading from the Bulletin of that Congress.

By Clark Bell, Esq.:—

Resolved, That the Chair be authorized to appoint a Committee of four persons who shall constitute a committee on publicity, and who shall be empowered to enlarge their number by enlisting the assistance and co-operation of prominent educators, manufacturers, philanthropists, and others who may be able in various ways to assist in carrying on a strong educational campaign against tuberculosis.

As then proposed by Dr. W. H. Mayfield, of St. Louis, Missouri:

Resolved, That we most heartily concur in the suggestion of the National Fraternal Congress, recently in session in St. Louis in 1904, representing more than five million persons, that hospital cars should be provided by the leading railroad lines connecting with climatic resorts frequented by tubercular patients; and that we recommend the efforts as one in which all organizations and associations of men and women should be interested.

The following Resolutions, reported by the Committee on Resolutions, as offered by Mr. Clark Bell:—

Resolved, That the thanks of the Congress be extended to the Hon. Theodore Roosevelt, President of the United States, for his appreciative letter of reply to the invitation of the Officers of this body; and to the Hon. Elihu Root, Secretary of State, for the splendid and sympathetic action, of the Department of State; in sending out the Invitations of this Congress to Foreign Governments, requesting them to send delegates to this Congress, and that the name of Secretary Root be added to the list of Honorary Presidents of this Congress.

Resolved, That the thanks of the Congress be extended to the Governors of those American States and Lieutenant-Governors of the Provinces of the Dominion of Canada, who accepted the distinction of an Honorary Vice Presidency of this Congress, for the

great moral force and aid it lends to this body, in its useful work; and that we add these names to our Honorary Vice Presidents with both pleasure and pride.

Resolved, The Presidents of the Foreign Governments who sent delegates to this Congress, at the instance and suggestion of the American Government, and who have taken an active interest in its work; be placed on the roll of Honorary Presidents of this body, as a recognition on our part of their sympathetic labor, and that the Secretary of the Council of this Congress transmit to them our action.

Resolved, That the best thanks of this Congress be and is hereby extended to Dr. F. E. Daniel, retiring President, for his eminent and distinguished services in his position, and that in recognition of the same, his name be placed on the roll of our Honorary Presidents for the year 1907—at the close of his term.

Resolved, That the fiscal year of the Congress expires December 31, 1906, and that the newly elected Officers take their seats on January 1, 1907.

That receipts, contributions and dues paid or unpaid to the close of 1906 belong to and should be devoted exclusively to the reimbursement of the Treasurer for the sums he has advanced and expended for the Congress in the discharge of his duties.

That the present Management and Officers of the Congress close out the business of the current year and get out the Bulletin of the present Congress of 1906, under the existing contract with the Medico-Legal Journal.

Resolved, That in view of the fact that appointments of delegates have been made at such late dates in many instances as to preclude delegates from contributing papers, and to enable all who might wish to contribute, it is hereby ordered; that the time for the contribution of papers on the themes before this body for discussion be and is hereby extended until the final completion of the Bulletin of this Congress, and be embraced therein, subject to the approval of the Committee on Reception of Papers.

Resolved, That the thanks of the Congress are due to the Public Press of the whole country who have aided this body to carry forward its labors to such success as has followed its humane and philanthropic work; and that as the income of the Congress has not been sufficient to meet the sums needed to carry forward its work, we appeal to the humane and philanthropic friends of the movement, to contribute to the material support of our officers, to reimburse what has been already expended, and to carry it forward in the future.

Resolved, That the time and place of our holding of the next Congress be left to the Officers who come into the Management January 1, 1907.

Resolved, That our thanks are justly due to Hon. Wm. C. Muschenheim, the proprietor of the Hotel Astor, for the use of its Hall and rooms for the session of the body, and that our highest praise should be awarded him for the excellence of his cuisine, and the courtesy of those who have been his aids, during our session at this Hotel.

Resolved, That all vacancies in offices occurring be filled by the Sub-Committee of the present Council up to January 1, 1907.

That in case of declination of any officers elected for the ensuing year the same Board have power to fill that vacancy.

These resolutions were reported favorably by the Chairman of the Committee on Resolutions, Dr. J. Mount Bleyer, and were adopted unanimously by the Congress.

After the discussion upon the report of the Standing Committee on State and Municipal Sanitoria, under the Chairmanship of George R. Tabor, M. D., State Health Officer of Texas, Chairman of the Standing Committee, Mr. Clark Bell, moved that the subject be referred to a Sub-Committee of seven, to be appointed by the Chair, and to report to the next Congress, which after general discussion was adopted unanimously.

The following gentlemen have been named on that Committee: Clark Bell, Esq., Chairman, of New York; Dr. M. M. Smith, Secretary, of Texas; Dr. E. J. Barrick, of Toronto, Canada; Dr. George R. Tabor, of Texas; Dr. A. N. Bell, of Brooklyn; Prof. Wm. H. Brewer, of Connecticut, and Dr. Clifford H. Irion, of Louisiana.

During the discussion of this subject the President, Dr. F. E. Daniel, suggested that one gentleman from each State or Province, affiliated with the Congress, be nominated, who should have power to organize a Committee in each State or Province to consider, and have the question of State and Municipal Sanitoria in charge, in their respective States of Provinces, with power to organize Sub-Committees therein.

This resolution was after extended debate unanimously adopted.

The Chair named the following gentlemen from some of the States, viz.: Dr. J. C. Walton, of Virginia; Dr. LeRoy Williams, of North Carolina; Dr. George D. Lind, of West Virginia; Dr. J. D. Roberts, of Indiana; Dr. Clifford H. Irion, of Louisiana; Clark Bell, Esq., for New York; Dr. Alfred Walton, for New Jersey; Prof. Wm. H. Brewer, for Connecticut; Dr. M. M. Kassabian, for Pennsylvania.

The remaining appointments will be announced later.

THE CASE OF THAW.

The issues in this case are narrowed to a sharp point.

There is no doubt of the killing; nor that it was deliberated in cold blood and premeditated.

If Thaw was of sound mind, he has not a shadow of a defense.

The only possible defense is that he was irresponsible for his acts. To convict, it must be clearly be shown that he was of sound mind.

Did he have any sane motive to kill White?

As his trial approaches, we begin, unconsciously, to ask what possible motive could he have had to kill White?

The marriage of such a woman by Thaw, with his family and environments should be studied carefully. Was it not the act of a mad man?

The law gives the District Attorney the right to institute a proceeding before the trial to inquire into the sanity of Thaw.

In the case of Geo. Francis Train, the District Attorney instituted such a proceeding, and put in evidence, to show that Train was insane, by eminent alienists. Dr. A. W. Hammond, Dr. Ralph L. Parsons, Dr. Meredith Clyner, prominent Alienist members of the Medico-Legal Society, pronounced him insane at the instance of the District Attorney. The Court empanelled a jury to try that issue.

Thaw resists with all his power the interposition of that plea. So has every insane homicide within the writer's knowledge. Some men who feign insanity plead it, but the insane homicide rarely, if ever. So did Train in that case, he refused to allow his counsel to interpose the plea of insanity, and the District Attorney brought this proceeding to test his insanity.

The Editor of this Journal defended Train, in that proceeding, and fought that question. The jury found that Train was sane, and the case was then moved for trial on the indictment.

HARRY THAW AS HE LOOKS IN COURT.

Through the courtesy of "The Globe."

Train still refused to allow insanity to be pleaded by his attorney, and he pleaded guilty and went into the cell of the Tombs. The Court refused to accept the plea of not guilty, directed that a plea of not guilty be made and entered, and the defendant's counsel called the same witnesses that the City had used, because insanity could be shown, under a simple plea of not guilty. The Court, in that case, took the question from the jury and directed a verdict of not guilty on the ground of insanity.

The jury refused to find that verdict, and the Court ordered the Clerk to enter that verdict and it was entered, Justice Noah Davis presiding at the trial, who ordered him committed to a lunatic asylum. Mr. Train's counsel proceeded by habeas corpus, had a sheriff's jury who found him sane and he was discharged.

The District Attorney has the right to try the sanity of Thaw first under that statute.

It has been rumored that he may do so. It would be the safer practice, for the State to try his sanity, for if he is sane there is no escape, no defense.

The State would be compelled to show a motive, and it is difficult to find any logical and rational motive for the killing of White.

In the early history of the case a persistent and desperate attempt to defame and blacken the character of White was made. It was most completely and successfully met.

Mr. White's life was one of the most valuable of all the great men of the City.

If Thaw was a degenerate as his marriage would indicate, and the life of his wife, which must had been such as to have made it apparently impossible, for any sane man of a reputable family to take as a wife, it would require the strongest assurance of her being, in any wise improperly connected with White to arouse even suspicions in a sane mind.

If she for her own purposes misrepresented White to her husband, to arouse suspicion in Thaw's mind, that would supply a motive, but there is no pretense of this.

The case is expected to be brought up in January, near the end of it. A general feeling of doubt of the sanity of Thaw seems to be gaining ground.

The homicide is immaterial without a sane motive, and the trial will show that Thaw is a degenerate, and was insane.

THE EXPERIMENT OF HON. N. O. NELSON, Fourth Vice President of the American International Congress on Tuberculosis, 1905-1906.

One of the foremost philanthropists of our age is Hon. N. O. Nelson. He takes a deep interest in the work of the conflict with Tuberculosis. He is a practical man and his experiment has been an object lesson for other friends of carrying on the war among the poor.

Mr. Bell asked him to report briefly on the success of his experiment.

The enclosed is his reply:

Bessemer, Ala., Nov. 13, 1906.

Hon. Clark Bell,
New York.

My Dear Sir:

The results in my Calif Consumption Camp has been quite beyond my expectations. In the four years I have had 35, 75, 92 and 78 in the respective years. There has been no culling and they have been largely in the advanced stages. In the first year there was no death, in the last three years about 10 per cent.

They live in 12x14 floored tents, one or two in each. The diet is milk, eggs, fresh meat, bread and some vegetables and fruit. The only rules are, pocket spittoons, which are burned in a furnace and to keep tents open and orderly. The cost is $4.00 a week. It costs me five thousand a year out of pocket, including the stock and ranch attached. There is practically no rain or clouds. All winter days are warm, about 85 degrees—the winter nights cold—about 50 degrees. The tents are set around a plaza which is grass grown, and trees and a pavilion. There is work on the ranch for those fit. We use no medicine and have no resident physician. Practically all improve and many get well. Very sincerely,

N. O. NELSON,
St. Louis.

MEDICINE AND LITERATURE.

A very interesting discussion arose at the Memorial service tendered by the Women's Medical Association of New York, an out-growth of the Women's College of the New York Infirmary; at the New York Academy of Medicine, the other night, in honor of Dr. Mary Putnam Jacobi, at which some excellent speaking was heard.

Dr. Mary Putnam Jacobi was, undoubtedly, the best educated, talented and gifted young woman our city has ever produced for a brilliant and successful literary career, which this gifted young and misguided enthusiast, sacrificed and went to Paris to obtain a medical education and a degree. The pathetic side of this sad story was told by Richard Watson Gilder, in his forceful classical style, although half reluctantly, by letters he read extracts from, written by the Miss Putnam when a medical student in Paris, to her dear little mother.

Dr. Putnam Jacobi was the daughter of that charming personality, the Elder Putnam, the most intellectual publisher of our city in his day, and she was to the manor born in literary gifts, not promised merely, but demonstrated by her work.

Mr. Gilder read from her essays, when a girl of twenty, and notably one on the personnel of the Ministers of the French Republic of that day; describing and satirizing, praising and criticising each in such a brilliant, fascinating and masterly way as to demonstrate what Mr. Gilder made no effort to conceal; that a literary career of remarkable gift and extraordinary promise had been taken from among the literary women of America, to make place for a medical woman, who never took high rank as a physician, mainly because it was not then a permissible thing to be allowed to be done.

The greatest of her achievements was, that she did by her strong personality, her splendid gifts, her education, the brilliancy of her pen, and her intense enthusiasm, help enormously to give to woman a recognition in the medical profession of New York, which was resisted at that time to the utmost by the New York Academy of Medicine and those who occupied and controlled it, as well as the great body of the medical profession.

Mr. Gilder read from those dainty charming letters, how she had dreamed in her highest flights of the imagination, of the day when she should become a member of that academy.

Dr. Mary Putnam Jacobi was not born for leadership, and was never fitted for that place, with her own sex, but not one doubted her splendid gifts, the vigor of her mind, the brilliancy of her intellect; and no one woman did more to crown the efforts of that splendid body of Medical women, who ultimately forced that professional recognition, of which the Parisian Medical student dreamed; she made her way into the classes of the grand French masters, by a savoir faire, a courage and a high purpose that triumphed over difficulties, and surmounted obstacles that few could have overcome.

The ablest speech by far that evening was that of Mrs. Florence Kelly's, who showed how the medical profession in New York had never made or provided a literature for the young unprotected female wageworker in our great factories.

Dr. Charles Dana, who when a youngster held a Chair down at the Second Avenue College for Women, which brought him into a close intimacy with Dr. Putnam Jacobi's professional work, as a teacher in a Chair in that college, spoke with wonderfully sweet and tender memories of the womanly side of Dr. Putnam Jacobi's nature and her resplendent gifts. Emily Blackwell's written tribute, and Prof. Felix Adler's scholarly analysis of Mary Putnam

Jacobi's character and work, from a layman's standpoint was excellent; all helped to make her memory stand out in its most luminous aspect, but Mr. Gilder's lovely selections, gave us all a regret that her father's undoubted faith in her remarkable literary talent and ability could not have been strengthened, by the mother or some influence powerful enough, to have rescued her from the fate she chose, and placed her name where her greatest gifts lay, in those paths now resplendent with the illustrations of the most famous and gifted women of our land.

It seems that among physicians of the first rank, there has been ever a thirst for literary fame.

Dr. Wier Mitchell has tasted and even drank deep by public acclaim from this double fountain.

He won high rank in his profession, and his works of fiction, are received with remarkable favor, as well as with high and just appreciation.

Dr. Putnam Jacobi', with all her magnificent literary tastes, her wonderful purely literary talents of the higher order, seemed to have had a great horror of receiving recognition as a liteary doctor.

Mr. Gilder read some extracts along this line so strongly characteristic as to show that she fought this tendency in her own composition with energy, of the contest of the Anchorite with his besetting sin, or Luther in his contests with his Satanic majesty in his study.

Dr. Putnam Jacobi was a prolific writer on the lines of her professional work. She knew how to write and to write well, and she did a great deal of it, and it no where fails of being to her credit; but the gulf between the path of that higher literature for which her gifts, her intutitious, her training and her brilliant intellect fitted and especially qualified her; and the life of a crusader to give her sex equal rights in the practice of a profession, which was fighting for the right to be called or even classed as a science,

at all; was as wide and as deep as that which divided Lazarus and our Lord in the parable.

Her soul sank into this abyss, so far as her aspirations could be submerged, in a space so circumscribed, as the life she selected, and which she did all in her power to widen, broaden and elevate, the low horizon line. Had she embraced literature with her promise and gifts at twenty, she would have been on the higher alps, in the realm of literature, when the summons came from the Infinite to take her place among the stars.

The flame of the fires of literature illumined the whole range of the professional vision. They seem to have rare radiations and attractions for medical men.

The more powerful and resplendent the light, the more they come and flock like moths, to the lime light, or the electric arc.

Dr. F. E. Daniel, of Austin, Texas, is the latest medical aspirant for literary honors. He has had a successful life as a physician. He has held the highest honor as President of the Medical Society of his State. He has conducted the most popular journal of the Southwest, as owner and editor, the Texas Medical Journal. He served in the Confederate Army in his youth, and he wrote it up most acceptably and successfully from the standpoint of a Rebel Surgeon. He was made commander-in-chief of the Anti-Tuberculosis forces, at the recent American International Congress on Tuberculosis, held in New York last November, and his Presidential Address was pronounced to be the most masterly presentation of the present state of that conflict thus far made; and now he has at the closing days of that Congress brought out what he thinks is a work of commanding interest, now in the hands of one of the most enterprising publishers of this City, Mrs. Slingerland, who presents this book under the title of "The Strange Case of Dr. Bruno," which has already had a large sale and has relighted the fires of literary ambition in his mind.

What is to be the sequel?

When the able physician who has given to his profession all the arterial blood of his long life, who has studied his profession by research into the structure as well as the soul of man. He who has been an agnostic all his life and then at the last accepts a doubt as to the sanity of his previous doubts. He becomes an agnostic as to his own agnosticism. The struggle then is, to try and comprehend what he does not understand, and what he has always been taught was a sealed book, with fixed limitations beyond mortal ken. His real struggle is often times with the maladies of the soul of men, and he is trying to look into these depths as if with a speculum, when he had always been told that "I do not know," has been the ultima thule of human knowledge. He often times becomes a profound dreamer, and a thinker, and he concludes that man is not a reasoning animal, and he inclines to think that human reason, is like the mirage of the desert, with the whole image inverted, but not quite certain of the inversion.

If he then wishes to write a book let him consult Remy de Gourmont. His answer will be "La verite est une illusion, et l' illusion est une verite."

THE MARY PUTNAM JACOBI FELLOWSHIP.

We gladly give space to the announcement of the prominent women physicians of New York City, who propose to endow a Fellowship for the Higher Education of Women Physicians, and to connect it with the honored name of Dr. Mary Putnam Jacobi. We publish their appeal and hope it will receive a generous response from those interested in the education of Women Physicians.

The Women's Medical Association of New York City desires to pay a permanent tribute to the memory of Dr. Mary Putnam Jacobi, by establishing in her name a fellowship, which shall be known as the Mary Putnam Jacobi Fellowship.

Dr. Jacobi's interests were broad and numerous. She lent her influence and gave freely of her time to many movements for advancing the educational, economic and legal status of women. Among these were The League for the Political Education of Women, The Consumers' League, The Equal Suffrage Association.

In her special domain, that of medicine, she won an international reputation and recognition, as a woman physician, by opening the Ecole de Medicine of Paris to women medical students. She did pioneer work in gaining admittance to a number of medical societies, thus establishing a precedent for other women. As Professor of Materia Medica and Therapeutics in the Women's Medical College of New York Infirmary, she was an honor to the institution and an inspiration to her students.

Her unusual spirit of helpfulness, which led her to seek every opportunity for women in medicine, seemed to make it especially appropriate, that a permanent tribute to her memory, should be along these lines. This particular form of endowment was decided upon partially in view of the fact that Dr. Jacobi herself, felt most keenly the meagre and useful opportunities for women, in post graduate hospital work.

It is planned that the appropriation of this fund shall be as broad in its scope as possible. Any properly qualified woman graduate of medicine, from an American medical school, shall be considered eligible for the fellowship. The data as to the final award will be in the hands of a special committee. To have an adequate income it is necessary that the sum of twenty-five thousand dollars be raised.

We most earnestly desire the co-operation of all who are interested in securing better opportunities for women physicians.

Annie S. Daniel, M. D.

Josephine Walter, M. D.,	Caroline Cabot, M. D.
Ex-officio.	Marie L. Chard, M. D.
Emily Dunning Barringer, M. D.	Alice F. Hascall, M. D.
Elizabeth M. Cushier, M. D.	Caroline H. Le Fevre, M. D.
Margaret Cleaves, M. D.	Angenette Parry, M. D.
Sarah McNutt, M. D.	Mathilda K. Wallin, M. D.
Louise E. Cordes, M. D.	Martha Wollstein, M. D.
Eleanor Tomes, M. D.	Emily Lewi, M. D.
Alice E. Wakefield, M. D.	Josephine A. Sherman, M. D.
Eleanor B. Kilham, M. D.	Helen Baldwin, M. D.
Mary D. Hussey, M. D.	Mary Mitchell Kydd, M. D.
Mercy N. Baker, M. D.	Mary B. Jewett, M. D.
Elizabeth N. Sturgis, M. D.	Annie S. Daniel, M. D.

If this subject be properly presented to Mrs. Russel Sage or Miss Helen Gould, we believe either of them would take a pleasure in taking the subject in hand, and not only make this endowment, but endow this splendid New York College for Women (New York Infirmary), so as to fill its chairs with the ablest women on the continent.

If we consider it aright this is one of the class of beneficiaries that Mrs. Sage desires to accomplish.

THE CASE OF ALBERT T. PATRICK.

The Governor of New York, Hon. Francis W. Higgins, has commuted the death sentence of Albert T. Patrick to imprisonment for life, on the 20th of December, the day after the action of the Medico-Legal Society on the 19th, asserting his innocence of the crime of which he was convicted. In announcing his decision, the Governor gave out the following statement:

"Albert T. Patrick has been convicted of the murder of William M. Rice, and the judgment of conviction has been affirmed by a divided court. It is not claimed that Patrick committed the murder in person, but that he procured the act to be done. He has been convicted principally upon the testimony of Charles F. Jones, who confessed that he murdered his master while he lay asleep, instigated thereto by Patrick, and Jones, by this testimony, has purchased his own immunity from trial or punishment.

"Neither this fact alone, nor the review of any question of fact already passed upon by the courts at some stage of these proceedings, would seem to me to warrant interfering with the judgment of death pronounced against the defendant; but three of the seven Judges of the Court of Appeals were so strongly of the opinion that errors were committed at the trial which were substantially prejudicial to the rights of Patrick that I feel that the death penalty ought not, under all the circumstances, to be inflicted.

"In view of these facts and the grave doubts expressed by those Judges, I am satisfied that I ought to relieve the defendant from the extreme penalty of the law and commute his sentence to imprisonment for life."

The statement shows that Resolutions approved by this body, or its action, had not reached the Executive, and the reasons assigned, were in full force and ought to have secured the commutation of the accused; when the first application for pardon was made by the Society; instead of the respite granted, which would not have interfered with the rights of the accused in the motions he made before Recorder Goff. Instead, however, of granting a commutation then, the Governor declined to consider, an application by the Medico-Legal Society for his pardon, while the motion was pending in the Federal Court, in which proceeding Judge Day had granted a stay, and this action of the Governor, as is well known, was an important factor by Governor Higgins forcing Patrick to withdraw that appeal, before the Governor would take action on his case.

The delay, while no doubt irksome to Patrick, was of great importance, because in the interim, the light thrown upon the case by the question before the embalming profession has demonstrated the innocence of Patrick, as is clearly shown by the action of the Society upon the report of its Select Committee, on December 19th, demonstrating the innocence of Patrick.

This communtation of sentence is the first step towards the liberation of this unfortunate, and Governor Higgins has evaded the consideration of the question of full pardon, and transferred it to his successor, Governor Hughes.

It may be said, in explanation perhaps, that Governor Higgins could not have read the evidence in this case, if he had given the entire work of his few remaining days, to the task, it is so voluminous, and he may have shrunk from such a task, when the discharge of his necessary public duties required every moment of his time.

The innocence of Patrick is now, not a matter of opinion, it is demonstrated by scientific investigation. He was convicted on Medical testimony, of Medical witnesses who swore on his trial that the embalming fluid did not and could not enter the lungs of Rice.

The labors of the Select Committee of the Medico-Legal Society, under the Chairmanship of Prof. H. S. Eckels, have resulted in a complete and unanswerable demonstration of the fact:

1. That the embalming fluid does and must enter and permeate the lungs of all bodies embalmed by the right brachial arteries, as Rice's body was shown to have been embalmed by the party who embalmed it.

2. That the Medical evidence to the contrary was the mistaken opinion of men, who had no practical knowledge of embalming, or experience in it; and whose opinions should not have had any force or weight; but which was accepted by both Court and jury as true. and was the basis of Patrick's conviction.

It is a fact, that aside from the few names less than 1000 that signed the petition of this Society on its original application for pardon, all the names laid before the Governor were physicians, not one of whom asked for his pardon, although all favored it, their signatures obtained in a wild goose chase for a medical commission which Governor Higgins very properly turned down and refused to consider, and a few embalmers.

The public at large have had no opportunity to be heard by petition.

The petition of this Society was only two days in circulation and was withheld by the respite of the Governor and the proceedings before Recorder Goff.

It seems revolting, that an innocent man should rest a moment longer under this stigma, and that he should be now in prison for life, while his innocence is beyond doubt or question.

The Society's action was addressed to the present Governor and to Governor-Elect, in the Report of the Select Committee, and the petition to the new Governor should be for full and immediate pardon and deliverance; and there is now time for the preparation of circulation of such a petition, which will be done shortly and put an end to this tragic and in every way remarkable case.

THE COMMUTATION OF THE SENTENCE OF PATRICK BY GOVERNOR HIGGINS.

COMMENTS OF THE PRESS.

The New York Times:

While acquiescing in the commutation says: "Everybody who considers the case carefully will admit that it is a failure of justice."

"Patrick was indicted for murder and he is either innocent or guilty. He should have been put to death or set at liberty." "Life imprisonment is wholly illogical under any, even moderately, such interpretation of the law.

The editorial is as follows:

PATRICK ESCAPES THE CHAIR.

Exercising, wisely and properly, it seems to us, the discretionary power intrusted to him by the law, Governor Higgins has commuted to imprisonment for life the sentence of death against which Albert T. Patrick has fought with such persistence, energy, resourcefulness, and courage.

We have often advised this action and are content that it has been taken, but we feel, nevertheless, and feel that everybody who considers the case carefully will admit, that its present termination is a failure of justice—a mere choice between two evils. Patrick was indicted for murder, and he is either innocent or guilty. In other words, he should have been put to death or set at liberty. Life imprisonment is wholly illogical under any even moderately strict interpretation of the law, and we are fairly well convinced that the present determination is only a step toward the release which should be his if he did not procure the killing of the old Texan, Rice.

The Governor brushes away the plea as to the character of the chief witness against Patrick, and bases the commutation on the belief of three out of seven Judges in the Court of Appeals, that errors at the trial materially prejudiced the man's rights. He shares, that is, the general reluctance to put Patrick to death when the Court that decided his fate was so narrowly divided that one more vote in Patrick's favor would have given him another chance for his life. There is more to the case than this, but this is sufficient to justify the Governor's course, and he did well to take it, instead of imposing the heavy task upon his successor at a time when other duties of the most important kind will demand all of that successor's attention and energy.

Patrick will now come out from under the shadow that has rested on him so long. The "death chamber," where he has lived for years, will know him no more, and with revived courage he will face the alternative of liberty or imprisonment, not that of liberty or death.

THE PARDON OF PATRICK.

To the Medical Men of the Medico-Legal Society.

The belief of the Medical profession in the State, that Patrick is not guilty of the death of Rice in the manner sworn to by the witnesses, is almost universal.

It was not the fault of the Medico-Legal Society that the petition, submitted to the Medical profession, and which was submitted to the Governor to name a medical com-

mission did not ask those who signed it to petition for the pardon of Patrick, because it is fair to assume that every medical man who signed it, favored and desired the pardon of Patrick.

It did not originate with this Society, and was unfortunately placed in incompetent hands, not one medical man of all that splendid list is on the record as asking for his pardon, which was what they all desired.

Now that the Select Committee of the Medico-Legal Society, has on December 19th last by unanimous action, reported that when a body is embalmed by the right brachial artery, as Rice's body was proven to have been embalmed; the fluid does and must enter the lungs, and that the medical testimony produced at the trial, was given by medical men not familiar with the subject or the methods of embalming; and that the universal evidence of all practical embalmers is to the contrary; that this evidence misled the jury and convicted Patrick. It is your duty now in securing the names of medical men whether they signed before or not to the petition this Society will lay before the Governor for the full pardon of Patrick.

We shall ask and call on our Medical members to aid in bringing the facts to the attention of the medical profession and to induce all who believe that the Governor should pardon Mr. Patrick, to sign and aid in the circulation of the petitions for his pardon.

The Society has instructed its President to make an application to the Governor for the full pardon of Patrick and in addition to the work of its first Select Committee, urge upon the Governor the more indisputable ground that his innocence is put beyond all doubt or question by scientific demonstration through the labors of a committee composed of its ablest embalmers, and by conservative medical men and chemists; and when the petitions reach the members let them be speedily signed and returned to the President of the Medico-Legal Society, who will call to his aid all others

who favor restoring to freedom this unfortunate, who although condemned to death and now serving a life sentence, is wholly guiltless of the death of Rice. Copies of the report will be furnished the lay and the medical press, and will be shown to all asked to sign and time and pains taken to make it a complete statement of the facts.

TO THE FELLOWS OF THE MEDICO-LEGAL SOCIETY.

Office of the President Medico-Legal Society,
39 Broadway, New York.

The action of the Society at the December Meeting was unanimous in requesting the President to take steps to apply to the incoming Governor for the pardon of Patrick.

The action of Governor Higgins, on the 20th of December, 1906, without considering the report of the Select Committee, or waiting to hear the result of its labors, leaves no alternative for the Society but to proceed, as soon as practical, to bring the report of the Select Committee before the new Governor.

The delay in the issue of the December Number of the Medico-Legal Journal, made it possible for the Society to take action on the 19th of January, 1907.

The action of the December Meeting was renewed and re-affirmed, and the President was empowered and directed to renew the application for the full pardon of Patrick, as soon as he should deem it proper to do so, and could get ready and prepare for the same. The members will be requested to aid in obtaining additional signatures to the new application, and as the conditions are changed new signatures are now requested to be secured by those who may have previously signed. The application will be made as soon as the necessary preparations are

made, but not until after a few thousand names have been obtained to the petitions. This will depend on the diligence and energy of the members in obtaining names to the petitions, which will be sent to all persons who apply for the same to the President, or to J. R. Abarbanell, Esq., Secretary, No. 24 Vandewater Street, New York; or Anna W. Bloomer, M. D., New York City, No. 135 W. 64th St., New York City.

THE BULLETIN OF THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS AND THE MEDICO-LEGAL JOURNAL.

The expense of publishing an edition of the Bulletin of the last Congress, in the style that the Bulletin of the St. Louis Congress was brought out with illustrations will be about $600.

The contract between the Medico-Legal Journal and the Management of the Congress was to bring it out, without cost to the Congress, if sufficient encouragement was given, by subscription, to defray half the expense, and the Journal defray the other half. The plan under which the Bulletins have hitherto appeared, was, that the authors of papers appearing in the Bulletin paid $1.00 a page of the Bulletin towards composition, small pica, and $1.50 per page for small type, tables and higher priced composition.

The Management of the Congress believe that a limited edition of 500 is not what should be done with the transactions of the last Congress.

The Journal contributed the paper, the binding, the press work, and the large expense of the illustrations and advertising, and the gifts to the press and advertising notices. On a small edition of 500 copies this would be too burdensome to the Journal, and would not reach the public at large.

The usefulness of the great work of this Congress, with its enormous labor, will be best served by bringing its work to the knowledge of the people and the professions interested.

The price to the subscribers has been $2.00 a copy, and that has left a large deficit, which has fallen on individuals to meet and provide for.

It is proposed to make an effort to publish 5000 Bulletins instead of 500.

The great expense is in the composition and the illustration. When that is met, the increase in the cost of the edition is only the paper, the press work and the binding.

If the price can be brought down from $2.00 to $1.00 by doubling the edition, why can it not be brought down to 50 cents by still further enlarging the edition.

With this end in view the Medico-Legal Journal wishes to interest all the officers and members of the Congress in bringing out a large edition, so as to reach the public, and enlarge the field of the usefulness of the Congress.

It authorizes and makes this offer to every officer, member or delegate who will subscribe and pay in advance for 10 copies of the Bulletin the same for 50 cents a copy, instead of $2.00 a copy.

100 subscribers of this kind would nearly pay for the composition and illustration of the whole edition of 1000 copies. The Journal would feel willing to defray the remaining expenditure. Even 50 such subscribers would, we confidently believe, insure the success of the plan.

The price of the work need not be reduced from single copies $2.00, except that single copies to members and delegates will be offered at $1.50 if paid in advance.

If 5 copies are sent for by one person and paid for in advance, they will be furnished at 75 cents a copy, half the price to members.

As these offers exceed any commissions, they are open to Booksellers or subscription agencies to March 1st, 1906.

A copy of the Bulletin will be given to every one who gets a club, for the 10 subscribers or to the 5 subscribers.

This offer will be sent to every member or delegate, and a copy of the Bulletin presented to every Journal who publishes this notice and mails a copy of his paper containing this announcement marked, or a fair synopsis of it, that properly described the offer and claims the copy before April, 1907.

TO OFFICERS, MEMBERS AND DELEGATES OF THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

A circular letter of which the following is a copy has been sent to the newly elected officers and members of the Congress on Tuberculosis:

New York, December 31, 1906.

Dear Sir and Colleague:

I am instructed, by the vote of the Society and of the Council, to forward to you a list of the officers of the Congress for 1907, of which a copy is enclosed, or has been sent you, and to ask your consent to hold the position to which you have been elected. If no reply is received it will be assumed that you accept the office.

You will please remit dues of $1.00 for 1906 and same for 1907.

The official badge and ribbon of your office will be sent you on receipt of 30 cents to defray transfer and postage thereon.

Every member of the Congress, delegate or official, is entitled to receive the Medico-Legal Journal at half price or $1.50 for Volumes 23, 24 and 25, payable in advance.

An effort will be made to produce the Bulletin of the Congress of 1906, at a very low price, vide advertisement and announcement in June number of the Journal. If a person subscribes for 10 copies he shall receive them at 50 cents each, cash in advance.

If ten persons unite in a club the Journal will be sent for $1.00 each.

If 100 care to subscribe for the Bulletin it will be sent for $1 each.

If 500 copies are subscribed for they will be furnished at 50 cents per copy.

Clubs of five can be furnished at $1.00 each and a copy free to the getter up of the Club.

The December number of the Journal will contain the Report of the Select Committee on Embalming and outline of the work of the Congress and the Medico-Legal Society. The contribution of Prof. Otto Von Schroen will be published as a Brochure, beautifully illustrated at a nominal price, see advertisement in the Journal. The time for the contributions to the discussion of the subject before the Congress was extended to March 1, 1907. The time for holding the next session of the Congress was referred to the newly elected officers, with full power.

Please respond to this circular.

Faithfully yours,

CLARK BELL, ESQ.,

Secretary-Treasurer of the Council.

BACTERIOLOGY AND PATHOLOGY OF TUBERCULOSIS.

THE PHTHISIOGENEOUS MICROBE OF PHTHISIS OF THE LUNG—(Von Schroen).

The Medico-Legal Journal announces the forthcoming publication of the contributions of Prof. Otto Von Schroen, of the Royal University of Naples, contributed to the American International Congress on Tuberculosis, with sixty-four illustrations of his work, at the session of 1904, at the World's Exposition at St. Louis, and the recent contribution made to that Congress, at its last session November, 1906, held at Hotel Astor, with thirty-three illustrations. The reproductions will be made from photographs contributed by the Professor, showing his original research and work on the Phthisiogeneous Microbe of the Phthisis of the Lung, so that it can be studied in contrast with the Microbe of Koch.

The reproduction of these illustrations, which are most beautifully photographed, will be, of course, expensive. It is the aim of the Author and the Editor of the Journal, who will edit and publish the work, and bring it out in the best possible style, and make it a popular Edition and within the reach of every physician, layman or student of the subject in this country, if it can receive the support of the Medical profession and of the Pathologists and Bacteriologists of the Western Hemisphere.

If one hundred subscribers will remit $1.00 each in advance they will receive a copy of the first issue and their names will be enrolled in the order of their subscription. All those who remit at once shall receive the volume whether one hundred subscribe or not. If two hundred copies are subscribed for the price will be reduced to 75 cents a copy. If 500 copies are subscribed

for prior to March 1st proximo, the price will be reduced to 50 cents a copy to the press and subscribers, and the first 100 subscribers will be sent two copies instead of one. If ten copies are subscribed for by one subscriber the Brochure will be sent to that subscriber at 50 cents each or $5.00 for the ten copies, paid in advance.

A copy of the volume will be sent to every new subscriber to this Journal who pays in advance and claims it as a premium, up to the first day of March, 1907, free of charge.

It is hoped that enough subscribers will be received to reduce the price to fifty cents to original subscribers. The regular price to others will not be less than $1.00.

Prof. Von Schroen will be interested in the work, and receive an Honorarium in case the work meets with popular approval. The Medico-Legal Journal will esteem it a favor if this announcement is noticed by the Lay or Medical press and a copy will be sent free to every Journal, Lay or Medical, who gives publicity to this notice, on claim of the publisher and receipt of a copy of their publication containing the notice.

THE JUDICIAL HISTORY OF THE SUPREME COURT OF NEW YORK.

The Judicial History of the General Term of the Supreme Court of New York, under the Constitution of 1846, is now complete, and will be issued as a Brochure by the Medico-Legal Journal early in 1907. It forms a part of the Judicial History of the Supreme Court of the State of New York, and will contain portraits of the General Term Judges of the State under the Constitution of 1846. This is one of several Brochures which the author contemplates issuing in popular form for popular prices, before the completion of the volume for the whole State.

The entire Judicial History of the State will make a large volume, and will contain a large number of portraits, as it is hoped to obtain portraits of all the Justices of the Supreme Court of the State that are accessible. It may be necessary to issue this volume in two parts, for convenience sake, in which case Part I, of Volume 2, could be sooner published. The delay in the completion of Volume 2 of the "The Supreme Court of the States and Provinces of North America," which will be devoted to the State of New York; has been due to the difficulty in obtaining portraits and the data for biographies promptly.

Among the additional Brochures that will be thus issued in separate Brochures will also be "The Judicial History of the New York Court of Appeals," now nearly ready. "The Judicial History of the Appellate Division of the Supreme Court of New York under the Constitution of 1894."

The Editor has devoted several years, arduous labor upon the Judicial History of the Supreme Court of the State, which will occupy the entire Volume 2 of The Supreme Court of the States and Provinces of North America.

It will also appear in Volume 9 of the Medico-Legal Studies of Mr. Clark Bell, the author of the work by itself as a volume, entitled "The Judicial History of the Supreme Court of the State of New York."

DRYDEN AND NEW JERSEY.

There is a comic side to the display made by this senatorial acrobat, whom the New York World represents as a jester in cap and bells, balancing on a tight rope fastened with one end on the Rock of Gibraltar, and the other tied snugly around the dome of the capitol at Washington.

He grasps the long and slender balancing pole, and seems to swing from one side to the other, to arrest the attention of Jerseymen.

His eye gaze is fixed steadfastly on the Senate wing of the National Capitol. The inscription on the Rock of Gibraltar looms aloft across the face of it, as it did on his advertisements, addressed to the widows and orphans of New Jersey, urging them to place their hard earned savings, under the control of his company; and he balances and smiles and quirks as he appeals to New Jerseymen to give him another hearing. Dryden can't see from the standpoint of the old fashioned Jerseyman at all.

They read in his evidence of that wonderful piece of book keeping, to which he testified before the New York Investigation, into the insurance rascalities, in which he had figured; and to which he came volunarily over into New York, and gave the details of the Legerdemain; by which he unblushingly described, how he transferred the millions of the company he created and controlled, into other pockets; and how they finally came to his own; and by the side of which the stupendous frauds Governor Hughes unearthed, paled and burned with fainter glow and were obscured.

Being on the other side of the Hudson river, he has thus far escaped indictment, except before that bar of public opinion, that has effaced his name from public confidence, and now he is on trial, before a court of public conscience, where the Jerseyman deliberates; whether his scarred name shall stand in the National Capitol, for the New Jersey idea of a statesman; where the most honored names of her history have stood in the past; and the Jerseyman will say, Nay, Nay, Mr. Dryden.

Two Assemblymen swear that they were offered large bribes in the legislature when he was last a candidate; for their votes for him as Senator.

Now he throws off the cap and bells, and says that the high-minded statesman must not only be truly good, but

really great; that the ideal statesman in New Jersey should devote himself day and night to the welfare of their fellowmen, who are in public life for the sake of that service they can render to the community, and who all this while are exposed to the perils that spring from the over-zeal of their too fond friends.

He was too good, and too great, to have ever sanctioned such a scandalous proposal. If it occurred it was entirely without his knowledge. He may not have ever known or even ever have heard of these zealous adherents of the Life Insurance Looter, whose offerings of money for votes outran their discretion.

He paints the life of the great and patriotic statesman of today, who runs as much risk in this direction as he does by the crafty and wicked suggestion of his secret enemy on the other hand. It is a most distressing situation; and one from which Jerseymen should rescue and save him.

He will hardly prevail with such a story, with the Jerseyman who has turned red with mortification, even since his rascality was exposed on the New York Insurance Investigation; when he had thus far escaped punishment; and has disgraced the State by sitting in a high place filled by the names of Frelyson, Dayton and other Senators in New Jersey's history.

It would be a sad day for the State of New Jersey, to have this name remain on the list of her Senators, one moment longer than was possible to prevent.

New Jersey Republicans will never name in caucus nor vote him into the Senate; and New Jersey Democrats would hesitate long, before they would for a moment perpetuate such a scandal on the fair fame of that grand State. The Democracy of New Jersey would not accept such a man as Dryden in any contingency.

DR. RAMON BENGOECHEA,
Delegate from the Republic of Guatemala,
Hononary Vice President of the Congress.

DR. JUAN B. GAGLIARDO,
Delegate from the Republic of Ecuador,
Honorary Vice President of the Congress.

DR. DOMOND,
Port-au-Prince, Hayti.
Delegate from Hayti.
Honorary Vice President of the Congress.

DR. T. J. JEANTY,
President Faculty de Medicine.
Port-au-Prince, Hayti.
Delegate from Hayti.
Honorary Vice President of the Congress.

AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.
DELEGATES FROM FOREIGN GOVERNMENTS.

NECROLOGY.

HON. JACOB F. MILLER,
Ex-President of the Medico-Legal Society.

"In the midst of life we are in death," is a profoundly touching truth to the human soul, and it has rarely been more strongly exemplified than in the passing of our companion who has been taken out of our sight almost "in the twinkling of an eye."

We last saw him at the Dinner tendered by the Medico-Legal Society, to the officers, members and delegates of the American International Congress on Tuberculosis, in which he took a deep interest. His speech on that occasion was a grand, an eloquent, a memorable, eulogium on the part taken by the Medico-Legal Society in that humane philanthropic endeavor to avert, so far as it lies within the realm of human power that remorseless, that terrible, that devastating enemy of the human race.

I have often heard him speak, but never on any occasion that I can recall, with such eloquence, with such force, or with such brilliancy. This was on the evening of the 15th of November, and within the intervening month he has passed out of our sight into the bosom of the Infinite, in the heighth of his intellectual power and just as he was entering the three score and ten years the Psalmist gives to a well rounded human life.

Mr. Miller was born at Claverack, Columbia County, New York, November 26, 1837. He was the son of Samuel M. and Elizabeth Miller.

His early education was in the district school at Claverack Academy; the Hudson River Institute, and at Williams College, from which he graduated in 1859. Two years later he married Laura Augusta Chase, at Claverack, the

same year that he was admitted to the Bar, and came to New York, with his young wife, where he has practiced and adorned his profession to the day of his death.

He was one of the founders of the Medico-Legal Society, and was elected as its third President at almost the foundation of the Society in 1869, since which time he has been identified actively in its useful work. He was elected to the New York Legislature as a candidate of the Democratic party, and served in the year 1883, in the Assembly.

He was President of the Phi-Beta-Kappi Society; Chairman of the Executive Committee of the Civil Service Reform Association; Trustee and Manager of the New York House of Refuge; Trustee of Wurtzbrig Orphan Farm School; Trustee George Jr. Republic; Member of the State and City Bar Associations; of the Lawyers' Club; Served as President of the Patria Club, and of the New York Botanical Society.

His wife, who preceded him in death, was a member of the Medico-Legal Society, and for many years and to the day of her death one of the Vice Chairmen of the Psychological Section, greatly endeared and well beloved by all.

Mr. Miller was elected for Second Term as President of the Medico-Legal Society many years later, and served one term, and during his whole life has given much time to the success and labors of the body.

I was elected President of this Society in 1872 and took the chair in 1873. From that date to this hour, Jacob F. Miller has been one of my most strong and staunch supporters, and for the past ten years and more, he has been a constant attendant upon our meetings, and has been closely identified with the active work of the body and a member of its Executive Committee.

The death of Mr. Miller comes upon me like a blow, from an unseen hand, an unexpected quarter. It was so sudden, that I only knew of his death by the announcement in the Press, and had not even heard of his illness.

He was gone before the body of our members had learned of his illness.

The year 1906 has been one of fatality. The death of Professor Doremus, another of our Ex-Presidents, has thinned our ranks. That of Ex-Presiding Justice Hon. W.

Goodrich, of the Appellate Divison, who was preveneted W. Goodrich, of the Appellate Division, Second Department, who was prevented by what proved to be his fatal illness, addressing the American International Congress on Tuberculosis where he had consented to speak also last November tends to unnerve and dishearten us who remain.

Dr. Miller led a useful, blameless exemplary life. Duty was the ruling principle of his life. With few intimate friends who knew him intimately he commanded their respect, as well as of all who knew him but slightly.

He was not of an emotional nature, but he was just, honorable, true, steadfast and unswerving for what he thought to be the right.

Successful in his professional life, he was universally esteemed and respected by all who knew him. He closes a well rounded and beautiful life, and I have asked some of his associates who are unable to be here tonight to contribute a word, that may like a sprig of Acasia be laid on the bier of Jacob F. Miller.

ON THE DEATH OF JACOB F. MILLER, ESQ., OF NEW YORK CITY, EX-PRESIDENT MEDICO-LEGAL SOCIETY.

BY ABRAM H. DAILEY,
Ex-President Medico-Legal Society.

We are living in a rushing, hurly-burly age. In all probability, at no previous time in the world's history, has there been such vibrations of business, thought and life as we are now experiencing. Strive as we may to be passive, it is impossible to be unaffected by the contagion of the activities around us. In some degree, time and distance seem annihilated. Faith is being substituted by knowledge; miracles are not recognized; the miraculous disappears before the searching eyes of Science, and facts are astounding the world. We meet and touch elbows with each other in the walks of life. Souls overreach the narrow houses in which they dwell, and speak to each other in the harmonious vibrations of thought. Time is very long, but the days of man are very few. Almost every day, we miss from our side a companion, an acquaintance, or a friend. The soul can feel far more than language can express. A vacant chair at home—an unoccupied seat at your board—awakens inquiry and thought, and when we realize that it is no more to be filled by the member who has usually occupied it, the thought is solemnly suggestive.

The great work which you, Mr. President, have been for so many years engaged in, in promoting knowledge and accomplishing ends in that which pertains to Medico-Legal Science, has been made effective by the assistance of the able and learned men who have been your friends,

Read at a meeting of the Medico-Legal Society, Dec. 19, 1906.

associates and co-workers. To lose one, is a loss to this Society, and to the community. As the sun and stars shine from the heavens, giving light to the physical world, so is the intelligence of man lighting up human pathways, and shedding its influence upon the souls of men, and advancing mankind from the barbarism of darkness to the great civilizations manifested among the nations of the world.

We feel, in diminishing light, the passing of a cloud over the face of the sky. In the passing away of a good man—a man of prominence and virtue—we feel as if he had passed behind a cloud into a greater light; but the shadow which is left becomes oppressive.

When you asked me to come to your board tonight, and pay a deserved tribute to the transition of our friend, Jacob F. Miller, I experienced a shock which was quite unlooked for. I had had no knowledge of his illness and no previous tidings of his passing away. I regret that I do not feel able to be personally present, and therefore say, through my pen, what is in my heart to express.

In the decease of our friend, we have lost one of our very ablest associates and co-workers. He has long been eminent at the Bar of this State, and was widely known as a good and useful citizen. He has upon several occasions, been honored with the presidency of this society, and he filled most acceptably various offices of responsibility and trust. He co-operated in the establishment of the branch of Psychology. His broad and legal mind enabled him to grasp the delicate and subtle laws governiug and affecting man's mental and spiritual nature. He appreciated the importance of the development of the great science of Psychology, and the possibility of the attainment by man of a greater knowledge concerning himself, and the destiny of the human soul. He felt keenly the loss of his wife, through her recent demise, which was also sudden and unlooked for.

The influence of the life of our departed friend will not be lost, but will live and be felt, not only by those who

knew him, but by those who have had the benefit of his words, deeds and example.

Hon. Albert Bach, ex-President, made the following contribution to the memory of ex-President, Hon. Jacob F. Miller:

December 30th, 1906.

My Dear Mr. Clark Bell.

It was my intention to attend the December, 1906, meeting of the Medico-Legal Society, more particularly that I might then and there offer a tribute to the memory of our late and much lamented ex-President and colleague, the Hon Jacob F. Miller. I was prevented from performing that sad, yet gratifying duty, by illness which confined me to the house. Will you kindly cause to be communicated to our colleagues, through the pages of the Medico-Legal Journal, the expression of my sincere and heartfelt grief at the loss of one for whom I entertained not only respect, but an affectionate regard. Many years of friendly and most agreeable association with the Honorable Jacob F. Miller, both in the field of professionable labor and at our society meetings, caused me to recognize in him a good citizen, a true man, a loving and devoted husband, a lawyer of broad and splendid ability. He was a man of brain and heart. His mental and special equipment made him eminently fitted to become, as he did, an exceptionally successful and a truly honored member of the legal profession. He attained renown as a lawyer by reason of his deep learning, pure principles and devotion to the dictates of right and justice. His sympathetic heart attuned to the appeals of suffering humanity led him to yield his best efforts toward the ameliaration of the ambition of the oppressed and down trodden, before our Courts of Justice. As president and member of our beloved society, none stood in higher esteem than Jacob F. Miller, not only for his valuable contributions to the literature of forensic medicine, but also for his efforts to advance the progress of the Society's work. We who knew him best mourn his death most, but his memory will always be an inspiration and an incentive to better and more effective work on our part in the domain of Medico-Legal service. Our constant desire to emulate his glorious example in all paths of life's work, will constitute a lasting monument to his memory. Well may we say of Jacob F. Miller, in the words of the immortal bard, "this was a man."

Faithfully yours,

ALBERT BACH.

Rev. Phebe A. Hanaford, writes me:

230 West 95th Street, N. Y.
Dec. 30, 1906.

To Clark Bell, Esq., President Medico-Legal Society:

The departure of such men as Judge Jacob F. Miller from earthly pathways, while it means the adding of a grand soul to the blessed company on the eternal shore, must also be regretted by those who remain on earth, because such souls are missed from the ranks of those who labor to promote scientific and literary efforts in the direction of philanthropy—thus helping humanity and truly following Him who "went about doing good."

PHEBE A. HANAFORD.

JOURNALS AND BOOKS.

The Occult Review. Ralph Shirley, Editor. Wm. Rider & Sons, 164 Aldergate Street, London, E. C.

The January Number contains: "Orthodox Christianity," by David Cristie Nunay; "Prize Essay," by Umbra (Miss Maud Joynt); "Maori Magic," by Reginald Hodder; "The Ghosts of Wellington Mill," by Irene H. Bisson; "The Only Wisdom," by Lady Archibald Campbell, Part VI; "On a New Record of Automatic Writing," by J. Arthur Hill. From advance sheets the February Number will contain: Portrait and Sketch of "The Mahatma Sri Agamya Guru Paramahamza;" Modern Magic," by Sonitator; "Jau Vau Ruysbrocah," by Carl Heath; Psychic Records; "A Case of Double Personality." by Mrs. H. H. Spoer. Mr. Ralph Shirley's Notes of the month are well worth the reading:

His review of Mr. Andrew Long's assault on astrology in the Illustrated London News, under the heading "At the Sign of St. Paul," is in that Editor's best style. Shirley objects to the epithet of "prehistoric idiot" as applied to the late Dr. Garrett, the keeper of the books at the British Museum. Mr. Shirley cites Lord Napier of Merchester (the inventor of Logarithams)as a mathematical giant and his conclusion and those of Johan Kepler, who brought us to regard astrology as a survival from an era of superstition, who says of himself "and that nothing but the error of receiving testimony of facts of unmistakable significance compelled his reluctant and unwilling belief." The ex-president of the Royal Society of Great Britain is reported to share the opinion of Kepler,—Mr. Stanley alluding to the eminence of Andrew Lang as a Greek scholar and of his meagre attainments of the problems of the domain of higher mathematics and the absolute astromical mathematics, which are involved in the study of the stars, quotes from the Greek as most apropos: "Every man who is uninstructed is wise if he remains in silence." When we reflect that all men of nearning, only a few centuries ago, throughout the world accepted and believed in astrology as a science, and even almost as late as Shakespeare's time, the great master says: "The fault is not in ourselves, but in our starts that we are underlings," was then as universally accepted as it was rejected at the middle or even closing of the last century.

The popular belief today is against it, but that does not establish that it has no foundation; no more than the nominal belief of the learned in the recent past could justify our acceptance of it. Mr. Shirley concludes that the study is an admirable subject for vigorous scientific investigation. That exactitude and accuracy are of the last importance in the study as in chemistry. That it is based on absolutely exact higher mathematical computations and problems.

I think Mr. Shirley's concluding sentences admirable, and more safe for those who search for truth, than the so-called universal popular belief of one era for astrology, and the same almost universal belief of our own age against it. These beliefs are changeable and changing. They prove nothing, demonstrate nothing. It is the fact, the truth, which is the ultima thule of the Researchers of Science.

We give from the advance sheets of this Journal the introduction of the Mahatma, who is the chief of all the Great Vidas in India, now going on a journey around the world looking westwardly, now in London, and who will visit us in the near future.

Lincoln the Lawyer. By Frederick Trevor Hill, Esq. New York Century Co. 1906.

There will never come a time when incidents of the life of Lincoln will fail to interest and to charm us.

Mr. Hill has taken up no easy task, to devote his work, solely to a study of his life, as a lawyer, going back to his boyhood, and his youth, and to the environment and circumstances that led him to adopt the law as a profession. His boyhood was spent in the back woods of Indiana, in the primitive days and followed by the sturdier conditions of the Bench and Bar of Illinois, especially of Macon County, in 1830, when the family moved there and the raw lad had just reached his majority.

Mr. Hill criticises the biographers of Lincoln who have sought to regard him as having any birth right to the law. Lincoln was the son of the poor white, and from what may fairly be called the lowest and most obscure of that class whom the negroes of the South have styled the white trash.

"His father was an ignorant man, amiable enough but colorlessly negative, without strength of character and with no ambition worthy of the name," says Mr. Hill.

"His mother, Nancy Lincoln, was better educated than most of the pioneer women. She taught her husband to read and write and sent her son to his first school; but she died when he was only nine years old; and it was his stepmother who encouraged his ambition for an education."

Mr. Lincoln sits at defiance all the Laws of Heredity.

He was sui geuris, not perhaps as a lawyer, because it is not as a lawyer that the greatness of Lincoln's true character is to be measured, or regarded, by those who contemplate him, and his splendid statesmanship, as leader and President of our country, in the War of the Rebellion.

Mr. Hill does show how the sterling qualities of his character added lustre to the profession of the law, and the whole of the work of Lincoln as a lawyer was a superb and unanswerable response to those who swearth at honor, integrity and uprightness, are not compatible with the work of the great lawyer or the great advocate.

Mr. Lincoln was from the foundation, an honest man not from policy, but from his intuitions and convictions; and it is quite certain that throughout his practice of the law; he never compromised with his conscience, in the interests of his clients.

Honest Abe, which was his nickname as a boy, was true of him as a lawyer, as a stateman, and marked his career to the end. Advising the youn man in choosing a profession he wrote: "If in your judgment you cannot be a lawyer resolve to be honest without being a lawyer. Choose some ather occupation rather than one in the choosing of which you do in advance consent to be a knave."

His career as a lawyer is perhaps the noblest object lesson of a useful life as a reply to the sneers and critics of the legal profession; and now most forcible in our commercial age, when the great corporations may wish to buy the manhood, the honor, and the consciences, of their counsel in addition to their legal services. There is not a spot on the escutchion of Lincoln as a lawyer in this regard.

Mr. Hill has presented the professional side of the life of Mr. Lincoln in a masterly manner. The profession will be his debtor for

the painstaking care with which it has been done. His career as a lawyer should be regarded as a side light on his action, in the great office to which he was called.

Mr. Hill may not know the customs and the traditions of the Bar in the Eighth Circuit and indeed in all the American States in the rural districts in those days. It explains a side of the character of Lincoln as a story teller, which relieves it of the apparent odium with which it has in some quarters been received.

It was the custom for the Judges to stop at the hotel, at the county seat, where the Circuit Courts were held and the Judge's Room to be the rendezvous of the lawyers attending court in the evenings. As a rule only the members of the Bar were present at these gatherings. Story telling was the feature, and it was at these occasions that Mr. Lincoln won his National fame as a story teller.

He was pre-eminent as a recounteur.

As none but lawyers were present as a rule, these stories were often quite broad and a great rivalry existed in the several counties of the State among the more gifted lawyers of all the State. Mr. Lincoln was the recognized king and leader in these contests. He had few superiors in the land. These contests were never for the gaping crowds in the bar-room.

In Western New York in the early days of the writer's professional life the same custom prevailed in the fifties and the sixties.

The leading trial lawyers followed the circuits, exactly as was done in the Eighth Circuit, in Indiana.

Martin Grover, in Western New York; Jeremiah Black, in Pennsylvania; Tristam Burgess, in Rhode Island; Tom Corwin, in Ohio, were men who like Lincoln had great reputations among lawyers for their similar gifts, as well as for their forensic triumphs which were analagous to the fame of Lincoln in this regard.

Lincoln was as a lawyer at his best as a trial lawyer and before a jury, and he had perhaps no superior and very few equals in the are of cross examination.

The Law of Suggestion. By Rev. Stanley Lefevre Krebbs, A. M., Psy. Dr. Science Press. The Republic, Chicago. 1906.

Dr. Krebs has come out with a new brochure from his home in the West. Perhaps his preface tells the best story of his purpose. We give it:

Foreword—My purpose is threefold: 1, To give a bird's-eye view of the whole field for busy people, all about suggestion, but not, of course all of it. 2, To tear from the subject that veil of mystery, or "occultism," with which so many initiates delight to surround it before the eyes of the public. 3, To awaken, if possible, an earnest and patient study of the matter on the part of parents, business men, preceptors, preachers, and people generally, as it can be observed by them affecting the affairs, not only of common daily life, but the profoundest interest, also, of health, intellect and character—body, mind and soul.

He divides it into thirteen chapters: History, The Law, Speculative, Methods of Hypnotizing and of Administering Suggestion, Indirect Suggestion, Positive vs. Negative, Auxiliary Conditions, Its Field, Objections, Dangers, Explains Many Popular Mysteries, Simple Rules for Self-Help, and Some Extraordinary Phenomena. His style is lucid, and he brings his subject to us clearly and ably.

P. Blakiston's Son & Co., Philadelphia, announce the early publication of "Foods and Their Adulteration," by Harvey W. Wiley, M. D., to be immediately followed by a companion volume, "Beverages and Their Adulterations." Dr. Wiley is chief chemist to the United

States Department of Agriculture, at Washington, and his wide researches in the interests of purity in food commodities, give anything he might write on the subject an authoritativeness, that is unquestioned. The fact that the new National Food and Drugs Law becomes effective after January 1st, and that public interest in it is now at white heat, will no doubt result in quite a demand for both volumes. The books will be generously illustrated from original photographs and drawings, and we hope to review both in our next issue.

Enterprising Publishers. W. B. Saunders Company, of Philadelphia and London, have just issued a revision of their handsome illustrated catalogue of medical, surgical, and scientific publications. Beyond question this is the most elaborate and useful catalogue we have ever seen. The descriptions of the books are so full, the specimen illustrations are so representative of the pictorial feature of the books from which they are taken, and the mechanical get-up so entirely in keeping with the high order of the context. The authors listed are all men of recognized eminence in every branch and specialty of medical science. The catalogue is well worth having, and we understand a copy will be sent free upon request.

The enterprise of this house of Medical publishers is worthy, not only of notice, but of commendation by Medical men and by men of all the professions who are students of Forensic Medicine.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

Sixteenth Annual Report of the New York Kindergarten Association. June 1905-1906.

Bureau of the Census, S. N. D. North, Director. "Extension of the Registration Area for Births and Deaths." A Practical Example of Co-Operative Census Methods as applied to the State of Pennsylvania.

New York Juvenile Asylum, Fifty-fourth Annual Report for the year 1905.

Sweet & Maxwell, Ltd., London, W. C., "A List of Current Editions of British and Colonial Statute Law."

"The White Dove." September and October Number, 1906. Published by the National Society, Washington, D. C.

Denver Medical Times and Utah Medical Journal, September No., 1906. W. Brown Ewing, A. M., M. D., Editor, Salt Lake City, Utah.

Report of the Governor of New Mexico to the Secretary of the Interior for the year ended June 30, 1906.

American Journal of Dermatology and Genito-Urinary Diseases. St. Louis, Mo. C. M. Phillips, M. D., and S. C. Martin, Jr., M. D., Editors. January Number, 1907.

The Fourth Estate. A Newspaper for the Makers of Newspapers. Ernest E. Birmingham, Editor, New York. November 24, 1906, Number.

Texas Law Brief. J. M. Patterson, Annotator Texas Reports, Editor. Austin, Texas. Vol. 1, December 1906, No. 8.

Bulletin of the Hahnemann Medical College and Hospital of Philadelphia. Vol. III, December, 1906, No. 2. Published quarterly by the Hahnemann Medical College and Hospital of Philadelphia.

The Homeopathic Eye, Ear and Throat Journal. Vol. XII, July, 1906, No. 7. John L. Moffat, M. D., and A. Worrall Palmer, M. D., Lancaster, Pa., and New York.

Transactions of the Third Annual Conference of State and Territorial Health Officers with the United States Public Health and Marine Hospital Service, Washington. May 15, 1905.

Same of May 23, 1906.

E. S. Goodhue, M. D., Holualoa, Hawaii. "Hawaii as a Field for Scientific Work in Tropical Medicine." Reprint from the Journal of the American Medical Association. May 26, 1906.

Fred C. Valentine, M. D., and Terry M. Townsend, M. D. "Urethral Dilatations with Expansible Instruments." Reprint from the American Journal of Surgery. January and February, 1906.

Same. "The Prevention of Venereal Diseases."

Ferd. C. Valentine, M. D., New York. "The Venereal Peril in its Relation to the State." Read before the School for Instruction of

Health Officers, Burlington, Vt., July, 1906. "Education in Sexual Subjects." Reprint from the New York Medical Journal for February 10, 1906. "The American Urological Association." Reprint from the American Journal of Urology, August, 1906.

John Wiley & Sons, London, England:—M. M. Pattison Muir, M. A., "A History of Chemical Theories and Laws." Frank Austin Gooch and Philip Embury Browning, "Outlines of Qualitative Chemical Analysis." J. G. Goesel, M. E., "Minerals and Metals." P. Alexeyeff, "General Principles of Organic Syntheses." George Chandler Whipple, "The Microscopy of Drinking Water." Albert H. Low, B. S., "Technical Methods of Ore Analysis." Dr. Walter Loeb, "Electro-chemistry of Organic Compounds." William P. Mason, "Examination of Water," (Chemical and Bacteriological). Prof. Alfred S. Miller, "The Cyanide Process." H. Claassen, Ph. D., "Beet-Sugar Manufacture." Frederick H. Getman, Ph. D., "Laboratory Exercises in Physical Chemistry." Heinrich Ries, Ph. D., "Clays, their Occurrence, Properties and Uses."

MAGAZINES.

The unaviodable delay in our December Number enables us to notice the January, 1907 Magazines. We name the leading artists and such as we think worth of interest to our readers from the monthlies:

REVIEW OF REVIEWS.

THE PROGRESS OF THE WORLD.
THE EXPLORATION OF MT. McKINLEY: IS IT THE "CREST OF THE CONTINENT?" .....Herschel C. Parker
THE REVIVAL IN WESTERN LAND VALUES,
Charles Moreau Hargar
THE PANAMA CANAL AS THE PRESIDENT SAW IT.
THE AUTOMOBILE AND THE AVERAGE MAN.Harry B. Haines

PEARSON'S MAGAZINE.

THE ROMANCE OF AARON BURR.....Alfred Henry Lewis
LIGHT-FINGERED GENTRY.....David Graham Phillips

ST. NICHOLAS.

WHO'S WHO?.....Anne Willis McCullough
THE TWO SONS OF PETER PAUL RUBENS....Hudson Moore
KEEPING "OPEN HOUSE" FOR THE BIRDS,
Ernest Harold Baynes

McCLURE'S MAGAZINE.

MARY BAKER G. EDDY.....Georgine Milmine
REMINISCENCES OF A LONG LIFE.....Carl Schurz
THE GREAT JEWISH INVASION.....Burton J. Hendrick

PUTNAM'S MONTHLY.

REMINISCENCES OF THE HOUSE OF COMMONS,
Henry W. Lucy
A PRIMITIVE HUMAN TYPE in AMERICA: THE FINDING OF THE "NEBRASKA MAN".....Robert F. Gilder
PECULIARITIES OF THE "NEBRASKA MAN," Henry B. Ward
PREHISTORIC MAN IN NEBRASKA.....Erwin H. Barbour
FRANKLIN'S SOCIAL LIFE IN FRANCE.. Albert H. Smyth
CUBA IN AMERICAN POLITICS.....Charles M. Harvey

APPLETON'S MAGAZINE.

TO MECCA AND MEDINA BY RAILWAY..Alexander Hume Ford
THE REGICIDE .....H. G. Dwight
LEGISLATING IN PARLIAMENT AND CONGRESS,
A. Maurice Low
THE NEW INTERNATIONALISM.....Harold Boice

AMERICAN MAGAZINE.

AN EXTRAORDINARY EXPERIMENT IN BROTHERHOOD,
Ray Stannard Baker
EMPORIA AND NEW YORK.....William Allen White
THE TARIFF IN OUR TIMES.....Ida M. Tarbell
THE NEGRO CRISIS .....Washington Gladden

THE METROPOLITAN MAGAZINE.

CHRISTMAS AND NEW YEAR IN MEXICO.....Gibert C. Terry
THE PASSING OF THE MOONSHINERS.....David A. Gates
NEW SKYSCRAPERS FOR NEW YORK.....Henry A. Horwood
VERDICT FOR THE PLAINTIFF.....Ambrose Pratt
THE WORLD AT LARGE.....Curtis H. Page

LADIES' HOME JOURNAL.

HOW RUBINSTEIN TAUGHT ME TO PLAY.....Josef Hofmann
WHY GIRLS GO WRONG.....Judge Lindsey
UNNECESSARY BLINDNESS .....Helen Keller
THE PRINCESS VIRGINIA.....C. N. and A. M. Williamson
HOW AN APARTMENT BURGLAR WORKS. As told by a Burglar
WHAT DO THESE OLD PICTURES MEAN?
Prof. John C. Van Dyke
AND THIS IS AT THE NATION'S CAPITAL! J. Horace McFarland
THE IDEAS OF A PLAIN COUNTRY WOMAN,
The Country Contributor
THE PLANTS YOU GOT THIS CHRISTMAS.....Edwin Lonsdale
THE POPE AND THE MAN.....Emily Le Farge Claxton
THE STRANGE GIRL IN THE LARGE CITY.....Laura A. Smith
THE YOUNG MOTHER IN THE HOME,
Emelyn Lincoln Coolidge, M. D.
WHAT MEN EAT IN RESTAURANTS.....Mrs. S. T. Rohrer
FASHIONS.

HARPER'S MAGAZINE.

DECISIVE BATTLES OF THE LAW. The "Alabama" Arbitration.
Frederick T. Hill
CROSSING THE EVERGLADES IN A POWER BOAT,
A. W. Dimock
STUDIES OF NATURAL DEATH.....Elie Metchnikoff
UNEXPLORED REGIONS OF THE EARTH.....Cyrus C. Adams

THE CENTURY.

THE ANCIENT IRISH SAGAS.....Theodore Roosevelt
IN THE RAILWAY YARD.....Thornton Oakley
DISCOVERY OF A SUPPOSED PRIMITIVE RACE OF MEN
IN NEBRASKA .....Henry F. Osborn
THE MORAL ASPECTS OF SUICIDE....James Cardinal Gibbons
JAY COOKE AND THE FINANCING OF THE CIVIL WAR,
Ellis P. Oberholtzer
COLE'S ENGRAVINGS OF OLD SPANISH MASTERS,
Timothy Cole

SCRIBNER'S MAGAZINE.

A HOLIDAY IN A VACATION.....Henry van Dyke
A BURIED CIVILIZATION OF CEYLON. Rosalie Slaughter Morton
THE ALMANACH DE GOTHA.....Francis Gibbie
THE BATTLE OF BULL RUN.....Gen. E. P. Alexander
THE AMERICAN AND BRITISH CITY.....Frederic C. Howe

LIPPINCOTT'S MAGAZINE.

PERSONAL MEMORIES OF ROBERT E. LEE..Mrs. Gen. Pickett
THE SEMI-AQUATIC BENDERS.....Marion Hill
THE SOUL OF NANA SAHIB.....George Seibel
THE CRITIC .....George T. Custis
THE MONSTROUS PICKEREL OF GILLETTE'S DAM,
Charles N. Hood

COUNTRY LIFE.

THE CHASE OF THE DOLPHIN.....A. W. Dimock
THE MAKING OF A GREAT RANCH.....Gene Stratton-Porter
THE PROTECTION OF FRUITS AND VEGETABLES IN FLORIDA .....R. M. Fletcher Berry

EVERYBODY'S.

THE TERROR OF THE SEA CAVES.....Charles G. D. Roberts
THE MERE INCIDENT OF FAILURE.....Will Payne
THE CRY OF THE SLUMS.....Bessie Marsh
FRIDAY, THE 13th .....Thomas W. Lawson
THE BLOOD MONEY OF THE CONGO.....Robert E. Park
THE DEBT OF HONOR.....Margaret Sutton Brisco
BEFORE ADAM .....Jack London
THE AUTOBIOGRAPHY OF A CHILD WITH TWO PARENTS.

WORLD'S WORK.

THE TRIUMPHS OF COMMUNICATION.
THE INNOCENT INVESTOR AND THE MINING BOOM,
TRAVEL BY SEA .....Lawrence Perry
COMMUNICATION BY WIRE AND "WIRELESS" Arthur W. Page
THE WORLD'S GREAT RAILROAD ENTERPRISES,
Cyrus C. Adams
NEW MOTORS ON RAILROADS.....Bernard Meiklejohn

THE DELINEATOR.

THE LAST BRIDGE .....Emery Pottle
THE ARGUMENTATIVE TAILOR AND THE BLIND REAPER,
Florence Wilkinson
FRAEULEIN SCHMIDT AND MR. ANSTRUTHER,
Countess Von Arnhim
LITTLE PROBLEMS OF MARRIED LIFE..William George Jordan
THE FIRST NIGHT AT THE PLAY.....George Henry Payne
THE CHAUFFEUR AND THE CHAPERON,
C. N. and A. M. Williamson

SUCCESS MAGAZINE.

NEW YORK'S HOTEL PALACES.....Remsen Crawford
FREEDOM AT ANY COST.....Orison S. Marden
THE STORY OF 1906 TOLD IN CARTOONS.
TURNER'S TOURNIQUET.....Henry Harrison Lewis
DAWN IN THE ALLEGHENIES.....Madison Cawein

HARPER'S BAZAR.

SOME REFLECTIONS OF AN UNMARRIED DAUGHTER.
By Herself
THE NECESSITY OF WOMAN SUFFRAGE.....George Harvey
THE HORRORS OF THE CONCENTRATED MIND,
Dorothy Canfield

AINSLEE'S.

THE MATCHMAKER ..... Edith Macvane
THE RED INK MAID .....R. M. Sinclair
VISIONS OF AN OPTIMIST.....Margaret Sutton Briscoe
YESTERDAY'S RECKONING.....Jane W. Guthrie
A PULL AT THE WEIGHTS.....Martha McCulloch Williams
THE STONEBORO SERVICE .....Churchill Williams
THE DIABOLICAL TOM CAT.....F. Walsworth Brown

THE OUTING MAGAZINE.

THE LAST STAMPEDE FOR CHEAP HOMES....Emerson Hough
SPRING ON THE MISSISSIPPI.....Clifton Johnson
HUNTING WITHOUT A GUN.....T. S. Van Dyke
CLARK'S CONQUEST OF THE WEST.....Lynn Tew Sprague
RACING TO THE "TIP-UPS".....Oliver Kemp
OUTDOOR MEN AND WOMEN.....Gouverneur Morris
HUGH MONROE'S PISTOL .....J. W. Shultz
MAKING AND MANAGING SKATE SAILS.....Dan Beard
MAKING THE COUNTRY HOME.....Eben E. Rexford

BOOK NEWS MONTHLY.

FRANCES HODGSON BURNETT .....Abie Pleasant
A STUDY IN LITERARY PERSONALITY...Ella Hepworth Dixon
THE SIXTH SENSE .....Pendennis
THE COUNTRY EDITOR OF TODAY.....Charles Moreau Harger
A MOTOR FLIGHT THROUGH FRANCE.....Edith Wharton

THE SMART SET.

BROKEN STATUES .....Julien Gordon
THE CASE ON THE WALL.....Burton E. Stevenson
THE COLONEL WITH THE UNSTEADY LEGS,
W. H. G. Wyndham Martyn
DESIGNER AND BUILDER.....Bliss Carman
"NOBLESSE OBLIGE".....William C. de Mille and John Erskine
THE TAINT O' THE LAG.....William Hamilton Osborne
LE PIRATE ET L'EMPLOYE.....J. H. Rosny

SUBURBAN LIFE.

WHAT SUBURBAN LIFE MEANS TO ME.The Hon. John D. Long
THE SUBURBAN BABY AND HIS CITY COUSIN,
John L. Coffin, M. D.
KITCHEN TYRANNY IN THE SUBURBS..Mrs. Bradley Gilman
ARTISTIC POSSIBILITIES OF THE DOOR.....Ward Whitcher
THREE GEOGRAPHICAL TERRIERS..Margaret Brooks Brigham

WOMAN'S HOME COMPANION.

THE SACRED FIRE.....Elizabeth Stuart Phelps
THE GIFT PARAMOUNT.....Jeanne Olive Loiszeaux
THE MOUNTAIN DOCTOR.....Juliet Wilbor Tompkins
A NEW YEAR'S MESSAGE.....Edward Everett Hale
THE AMUSING SIDE OF CLUB LIFE.....Sarah Platt Decker
THE HUMAN SIDE OF JOHN D. ROCKEFELLER.
WHERE I STAND ON CHILD LABOR REFORM,
President Roosevelt

THE BOHEMIAN.

TOWNSEND'S REFORMATION.....Olin L. Lyman
THE CURE OF BILLY.....Clarence E. Mulford
HOW THINGS WENT AT THE HIGH SCHOOL.....W. A. Frost
MY YESTERDAYS .....Otis Skinner
THE QUEST OF MACGOWAN.....Catherine Carr

COSMOPOLITAN MAGAZINE.

THE DOOR OF A POSSIBLE HEAVEN.....Ernest Crosby
THE RUSSIAN SECRET POLICE.....Robert Crozier Long
WEYERHAEUSER—RICHER THAN JOHN D. ROCKEFELLER,
Charles P. Norcross
THE HIGH JUMPING HORSE.....Belmont Purdy

THE SWEAT-SHOP INFERNO .....Edwin Markham
SHORT FICTION—
The Longest Way Around.....Mary W. Hastings
A Circular Tour .....W. W. Jacobs
Rosalsky's Resolutions .....Bruno Lessing
The Surprise Party.....Philip Verrill Mighels
The Moonlit Road .....Ambrose Bierce
The Eyes of Terror .....Roy E. Norton

THE CRAFTSMAN.

THE UME OR PLUM FLOWER OF JAPAN.....Mary Fenollosa
THE SUBJUGATION OF JOB.....Frank H. Sweet
HOW NEW YORK HAS REDEEMED HERSELF FROM UGLINESS. .....Giles Edgerton
NURSE AND DOCTOR IN OUR PUBLIC SCHOOLS..John Spargo

READER MAGAZINE.

THE HEART OF THE NATIONS.....William Jennings Bryan
THE BEARER OF THE TORCH.....Frances Wilson
THE WINE OF THE YEAR.....Warwick J. Price

GOOD HOUSEKEEPING.

THE LUNCH THAT FAILED.....Katherine Graham
A CITY HOUSE WITH THE INDIVIDUALITY OF HOME, Elizabeth Knight Tompkins
WOMAN'S CAPTURE OF CONGRESS.....L. D. Gibbs
THE CAFE CHANTANT.....Alice Miriam Roundy
AN AMERICAN TAUGHT OPERA SINGER.....Gustav Kobbe
ILLUSIONS CONCERNING ORIENTAL RUGS.....Ada Crisp

THEATRE MAGAZINE.

AN INTERVIEW WITH CLYDE FITCH.....Ada Patterson
MADAME NAZIMOVA AND HER ART.....X. Y. Z.
STAGE HISTORY OF "DIPLOMACY".....Montrose J. Moses
THE DIFFERENT WAYS OF PLAYING SHAKESPEARE. Edith Wynne Matthison
STAGE MEMORIES FROM EUROPE.....Grace Hawthorne

THE ECLECTIC MAGAZINE.

THE SHIBBOLETH OF RESTRAINT OF TRADE, Gilbert H. Montague
THE VOYAGE OF THE SCOTIA.....Admiral Sir A. H. Markham
FRENCH WOMEN OF THE SALONS.....Mrs. Hylton Dale
SOCIALISM AND THE MIDDLE CLASSES.....H. G. Wells
HENRIK IBSEN .....Edward Dowden
NEW YORK'S NEW GOVERNOR.....Augustus C. Ragsdale

TALES.

THE MAN WHO FORGOT.....Maurice Level
A PERILOUS AWAKENING .....I. Goldo
THE MADNESS OF AN ALIENIST.....Guelfo Mo
IXTACCIHUATI AND POPOCATEPETL.....Heriberto Frias
LEAVES FROM THE JOURNAL OF A PROVINCIAL, Marcel Prevost
BENITO OF PALERMO.....Emilia Pardo Bazan
THE BARON'S TRUMP CARD.....Paul Bliss

SMITH'S MAGAZINE.

WORRY, DRUGS and DRINK.....Dr. C. W. Saleeby
THE CAPTAIN OF HIS SOUL.....Charles Agnew MacLean
BREAKING A NEW HIGHWAY FOR AMERICAN COMMERCE. C. H. Forbes-Lindsay

A PRESENTIMENT .....Helen S. Griffith
THE OUT-OF-TOWN GIRL IN NEW YORK.....Grace M. Gould
BEAUTY ARTS OF THE GIRL OF 1907.....Augusta Prescott

POPULAR MAGAZINE.

ADVENTURES EXTRAORDINARY.....George Bronson-Howard
STRANGE CASE OF A MEDICAL FREE-LANCE,
W. B. M. Ferguson
NAPOLEON AND THE TRUST.....Jackson B. Corbet, Jr.
ON BOARD THE "TIE PING".....F. Walworth Brown
OBJECT, MATRIMONY .....B. M. Bower

NORTH AMERICAN REVIEW.

MARK TWAIN AS A DUELIST.
AMERICAN SCHOOLS AND JAPANESE PUPILS,
Senator C. W. Fulton
AUSTRIA'S ROLE IN EUROPEAN POLITICS,
Demetrius C. Boulger
THE UNITED STATES CAN ENFORCE ITS LAW.Anti-Federalist
ASPECTS OF THE IMMIGRATION PROBLEM,
Dr. Thomas Darlington
AUSTRALIAN WOMEN AND THE BALLOT.....Alice Henry
WOULD ENGLAND AID JAPAN AGAINST AMERICA?
M. W. Hazeltine
THE COLOR LINE IN THE ARMY.....Capt. M. F. Steele
"LEW WALLACE; An Autobiography".Gen. O. O. Howard, U. S. A.

THE BOOKMAN.

AN ETCHING OF PRESIDENT ROOSEVELT.Laurence Burnham
THE COLLAPSE OF SIMPLIFIED SPELLING,
Harry Thurston Peck
AL-AZHAR THE BRILLIANT.....Richard Gotthell

THE TECHNICAL WORLD.

THE NATION'S NEW VOLUNTEERS.....Rene Bache
MAKING A CITY'S STREETS SAFE.:.....Ruthlege Rutherford
REAL WAR ON VAST STAGE.....F. A. Talbot
SALT MINED WITHOUT HUMAN EFFORT..James Cooke Mills
QUEER THINGS MADE FROM MILK.....M. Glen Fling
EIGHT MESSAGES ON ONE WIRE.....F. Merrill Hildebrandt
RUBBER MADE FROM WHEAT.....William Thomas Walsh
TRAINED NURSES IN PUBLIC SCHOOLS.....H. D. Jones

THE TRAVEL MAGAZINE.

CALIFORNIA'S CHALLENGE .....French Strother
THE DESERT OF SOUTHERN CALIFORNIA..Helen Lukens Gau
CALIFORNIA BUILDINGS, OLD AND NEW.....Sarah Comstock
WINTER BATHING IN THE PACIFIC.....Susan Colton
JAMAICA THE GARDEN ISLAND OF OUR TROPICAL SEAS,
Percy K. Crocker
A CAMPING TRIP IN THE SNOW-LADEN WOODS.
Warwick Stephens Carpenter
THE CHARM OF THE CHANNEL ISLANDS..Anna McClue Sholl

POPULAR SCIENCE MONTHLY.

THE POSSIBILITIES OF SALTON SEA.....Charles A. Byers
THE SANITATION OF AIR.....Konard Meier
COMPARATIVE PSYCHOLOGY.....Prof. C. Judson Herrick
THE VALUE OF SCIENCE.....M. H. Poincare

GOOD HOUSEKEEPING.

NEW PORTRAITS OF CHILDREN.....By American Painters
OUR FAITHFUL KEEPER.....Mary Mortimer Maxwell
PUSSY OUT OF PLACE.....Clara Marshall
ABROAD WITH LAVINIA.....Thomas W. Burgess

AMERICAN HOMES AND GARDENS.

NOTABLE AMERICAN HOMES.....Tomaso Camblaso
THREE TYPES OF HOUSES.....Francis Durando Nichols
HINTS ABOUT SHRUBS.....E. P. Powell
SOME NOTABLE COLLECTIONS OF OLD BLUE STAFFORDSHIRE CHINA .....Alexander M. Hudnut
THE QUESTION OF THE FIREPLACE.....John A. Gade
PRESERVING THE EGGS .....A. S. Atkinson

MUNSEY'S MAGAZINE.

WATTS—THE MAN AND HIS MESSAGE.....Christian Brinton
THE COURTSHIPS OF ABRAHAM LINCOLN.....Lyndon Orr
THE ROMANCE OF STEEL AND IRON IN AMERICA, Herbert N. Casson
TO HIM THAT HATH.....Leroy Scott
NINE SHORT STORIES.

WATSON'S JEFFERSONIAN.

EDITORIALS .....Thos. E. Watson
SURVEY OF THE WORLD.....Charles J. Bayne
LIFE AND TIMES OF ANDREW JACKSON.....Thos. E. Watson

ARCHITECTURAL RECORD.

THE KNICKERBOCKER HOTEL..... .....H. D. C.
A MODERN FRENCH CHATEAU.....Frederic Lees
THE NORTHERN TRUST COMPANY'S NEW BANK BUILDING, CHICAGO.
MR. HARTMAN KUHN'S HOUSE.

THE ARGOSY.

SIX SERIAL STORIES—
WHEN SUSPICION STRUCK HARD.....Stephen Brandish
DOWN AND OUT.....Lawrence G. Byrd
THE EIGHTH WONDER.....William W. Cook
KING OR COUNTERFEIT?.....Bertram Lebhar
THAT LITTLE LOCKET CASE.....Cromwell Knox
THE SCARLET SCARAB.....Albert P. Terhune
TWELVE SHORT STORIES.

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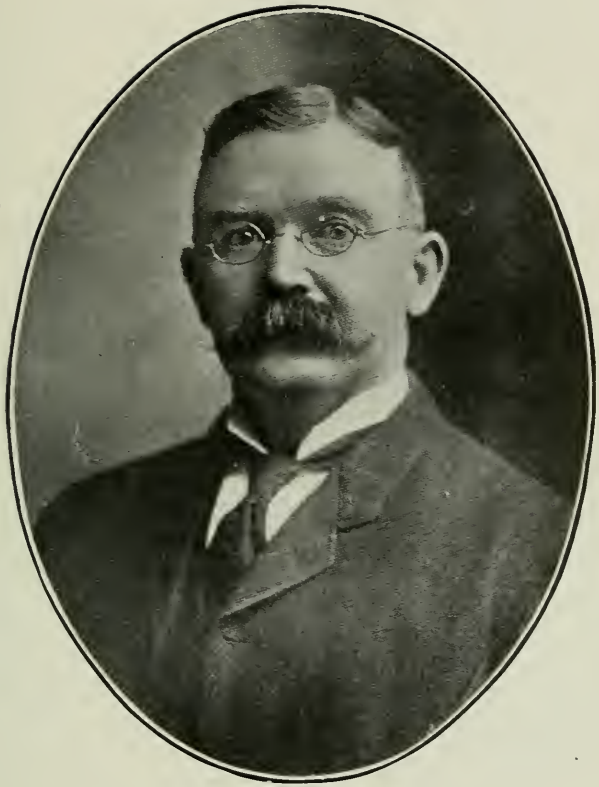
The "Occult Review," Wm. Rider & Son, 164 Aldegate Street, London, E. C., makes the following announcement in its last number. Mr. Ralph Shirley, editor, says:

> I should like to draw my readers' attention to the fact that my firm has taken over the publication of Mr. E. T. Bennett's Shilling Library of Psychical Literature, formerly published by Mr. Brimley Johnson. This Library at present consists of three volumes:
>
> (1) The Society for Psychical Research: its Rise, Progress and Work.
> (2) Twenty years of Psychical Research.
> (3) Automatic Speaking and Writing: a Study.
>
> These excellent handbooks may be obtained at one shilling each net, or two shillings net in cloth, and will be posted direct to the purchaser from this office for an additional penny to cover postage.



CLIFFORD H. IRION, M. D.,
New Orleans, La.,
President Louisiana State Board of Health,
President American International Congress on Tuberculosis.

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MATTHEW M. SMITH, M. D.,
Austin, Texas,
Secretary-Treasurer American International Congress on Tuberculosis
1907.

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Governor of New Mexico,
Santa Fee,
Honorary Vice President.

PROF. DR. WM. H. BREWER,
New Haven, Conn,
Honorary Vice President.

HON. WM. M. O. DAWSON,
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HONORARY VICE PRESIDENTS OF THE AMFRICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

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University of Oregon,
Portland.

W. N. BEGGS, M. D.,
Denver, Col.

W. N. CUNNINGHAM, M. D.,
Corona, Alabama,
Vice President for Alabama to the American
International Congress on Tuberculosis.

RALPH SHIRLEY,
Editor Occult Review, London, Eng.

PROMINENT MEMBERS MEDICO-LEGAL SOCIETY.

PRESIDENTIAL INAUGURAL ADDRESS.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK,
President Elect, January 19, 1907.

To the Fellows of the Medico Legal Society:

The expectation, and the hope I entertained and expressed of having the pleasure of introducing my successor as President on this occasion were not realized.

Several causes conspired in the situation of this body, and its relation to the extraordinary labors of the body in 1906, made it seemingly unwise for me to insist upon my retirement, against what was claimed by my associates as a general belief that it would not be for the best interests of the Science of Medical Jurisprudence and the relation of this body to its progress, and the usefulness of the Medico-Legal Society.

THE WORK OF THE YEAR.

The Report of the Secretary and the Treasurer, accompanying this address, show the numerical and financial aspects of last year's labors.

THE AMERICAN INTERNATIONAL CONGRESS ON TUBERCULOSIS.

This body, founded in 1900 by this Society, and in the success of which we were so closely and intimately concerned, had announced an International Congress for November 14, 15 and 16, in this city.

The Government of the United States had continued its warm paternal and sympathetic interest in the success of this philanthropic endeavor; and the Hon. Elihu Root, who had succeeded the lamented John Hay in the State Department of the American Government, had consented to aid

the efforts of that Congress, by throwing the influence of our Government, and the whole power and aid of the diplomatic corps of the Nation, in an endeavor to interest the governments of the entire Western Hemisphere, in the success of the Congress; and had requested that delegates be sent by these Governments to attend its sessions, and that publicity be made, through the public presses of the several Republics, Provinces, and Colonies of the whole American Western world.

Circumstances beyond my control, or of any member of this body, threw the labor of the executive work of that Congress upon the President of the Medico-Legal Society, and it was not in my power, or in the power of this Society to refuse to assume the burden of that enormous labor.

It is impossible, either to deny or ignore the draft made by this unforseen and yet unavoidable duty on the just claims of this Society, on the time and energy of its executive.

The Congress was held at the Hotel Astor, on November 14, 15 and 16, 1906. It sat in joint session with this Society, as it had always done in its former meetings.

It was most successful in its labors. Delegates were sent from many Foreign Governments.

Governors of American States accepted Honorary Vice Presidents on its roll of officers, and its work, which will fill a large volume, will serve to mark plain and apparent the success of its humane Philanthropic, and as it may be called, patriotic endeavor.

I shall append to this address a list of its officers, and also the names of those eminent men whom it placed on its list of Honorary Presidents, including the Presidents of the South and Central American Republics, who manifested an interest in, or participated in the success that crowned its labors.

The Bulletin of the work of this body will make an imperishable record of a work, which will ever remain as an honor to that organization; and to the members of the Medico-Legal Society, for the part it took in contributing to this result.

This Society made a special honorable contribution by acting as expressive of its sympathy as guests of the Congress and hosts at the Banquet given in its honor.

THE INTERNATIONAL MEDICAL CONGRESS IN APRIL, 1906.

One of the most remarkable events in Medical Jurisprudence occurred in our Science in relation to this Congress. The Management of the Lisbon Congress, in 1905, had sent to the Medical profession of America, a list of subjects and questions, all relating to Medical Jurisprudence, on which the physicians of America were invited to contribute papers, to be submitted to and read before that Congress in April, 1906.

This was in every way remarkable and entirely unprecedented.

The Lisbon Congress was not a Medico-Legal Congress, but a Medical Congress.

It was remarkable, most remarkable, that the Medical Faculty of Lisbon, and the Medical men of Portugal, would ask for such contributions, not on Medical questions, but on Medico-Legal questions.

It is from my standpoint a memorable incident, a remarkable event, and reflects the highest credit on the President, the Secretary and the members of the Management of the Lisbon Medical Congress, that collected and submitted these questions to the Medical profession of the American people.

It is quite as remarkable, that the American physicians, who were named on the committee for our country, failed absolutely to make any suitable response to the official appeal from Portugal.

It was early in 1906, after it was painfully apparent, that the Medical profession would not respond, with contributions, that a request came from the Management of that Lisbon Congress to the President of this Society; to organize an Auxiliary Committee, to submit papers on Medico-Legal subjects to be contributed to that Congress, notwithstanding it was to meet the 19th of April, 1906.

The Congress was announced for April 19, and it was then too late, but the invitation was accepted. A commit-

tee was organized, auxiliary to the American Medical Committee, and an appeal went out, and despite the shortness of time, contributions from the members of this Society did reach that Congress, and were read there.

The President of this Society was appointed by the Government of the United States, at the instance of his Majesty, the King of Portugal, although not a medical man, as delegate from the Government of the United States to that Congress, and Mr. Louis Lombard, a member of the Society, then residing in Switzerland, was also named as a delegate from the United States Government, to the Lisbon Congress and attended the same on the request of the President of the Medico-Legal Society.

POISONS IN EMBALMING FLUIDS.

In my Inaugural Address, in January, 1906, public attention was called to the fact that arsenic in the embalming fluid prevented the detection of the crime, when death was caused by poison administered in life, because science could not discriminate between the poison administered in life and that which had been produced by imbibition in the cadaver when the abdominal cavity was filled with the embalming fluid containing poison, and asked for legislative action to prevent its continuance.

THE EMBALMING PROFESSION.

The leading minds of the embalming profession, early in the year, took strong grounds to favor and co-operate with the Medico-Legal Society, to the end of inducing all reputable embalmers to consent to the elimination of poison as an ingredient in the embalming fluid. Prof. H. S. Eckels, of the Embalming School of Philadelphia; Wm. J. Phillips, the Secretary of the State Board of Embalmers' Examiners of New York, from Albany; Prof. Chas. E. Genung, an instructor and lecturer of embalming, of Waterloo, New York; Chas. W. Springer, of Englewood, New Jersey, an experienced embalmer, discussed the subject and committed themselves to the movement.

The Legislature of New Jersey passed an act at the instance of earnest workers, making it a crime to use poisons in embalming fluid by embalmers.

Your President submitted the points of the reform urged by this Society and the views of the embalmers and of Dr. Geo. B. Miller, of Philadelphia, ex-chemist of this Society, to the International Medical Congress, at Lisbon, and to the International Congress on Anthropology of Turin in April, 1906.

In June, 1906, the subject was again discussed before this Society by leading embalmers and others, and a Select Committee was named to consider the whole subject and report in the fall of 1906.

THE CASE OF PATRICK.

In the Studies, incident to the subject of embalming by the Right Brachial Artery, arose the case of Patrick, which had been considered in 1905, by a Select Committee, who had made an elaborate report, concluding that Rice had died from natural causes and not from chloroform poisoning, and that the evidence of Jones was a fabrication, untrue in fact, incredible and absolutely impossible.

It transpired that Patrick's conviction was based on the opinion of medical witnesses, who swore that in embalming a body by the Right Brachial Artery, in the manner Rice's body was shown to have been embalmed by the embalmers who did it, "that the embalming fluid could not and did not enter the lungs of Rice," and the lungs which had been examined and incased by the Coroner's physician, who conducted the post-mortem, was restored to the cadaver and by them allowed to be cremated, as the deceased had requested before death. This medical testimony was not contradicted, nor denied on the trial, and it was assumed to be true by the Judge who tried Patrick and the jury who convicted him, and the Judges of the Court of Appeals.

This reduced the question of the innocence of Patrick, to the single and simple question of facts, as to whether the embalming fluid did or did not enter the lungs of Rice, and both the subjects went to this Select Committee.

At the December Meeting of the Society, 19th of December, 1906, the committee submitted reports:

1. Preliminary on Embalming by the Right Brachial Artery in its relation to the Case of Patrick.

2. On the main question of the Elimination of Poisons in the Embalming Fluids used by Embalmers in the preservation of the Bodies of the Dead.

I make these reports part of my address, because in the whole field of the work of the Society there has never been any such remarkably effective work done before by this body.

If its achievements rested on the work of this committee alone it would have afford raison d' etre for the existence of the Society.

It seems incredible, that within one year since I last brought up this subject of the elimination of poison from the fluid used by embalmers in the preservation of the dead, when the skill of the chemist and the aid of science had for half a century, been set at defiance by the poisoner, when the embalming fluid had been injected into the cadaver, to have reached such a revolution; as justifies me now in saying that if we have reached a bloodless, a peaceful and a scientific solution of the question, and that it could be said of the posioner, who had used the embalmer as his own protection, safe guard and defense—"Othello's occupation's gone."

No reputable embalmer now does use it. It is universally conceded to be unnecessary, and the embalmer now who uses arsenic or other posion in his fluid, so as to prevent the detection of crime by the scientific tests, is an accessory to the crime, and if he had the knowledge, that crime was suspected, or even possible, he would, if he used it, be a party to the crime, in fact as well as law; and the poisoner would have in future, to hire the embalmer as he did the poisons, the one to protect its discovery by the light of science and the other furnishing the fatal drug, "to do the deed."

REPEAL OF THE ODELL LUNACY LEGISLATION.

Since the management of the Insane Hospitals of the State, and the care, treatment and welfare of the insane, of our great State, has been submerged in the mire of partisan politics by the late Governor of the State; the friends of Lunacy Reform have been forced to wait until the administration of the affairs of the State could be

wrenched from the hands of the men who refused to repeal the odious laws, abolish the State Commission in Lunacy, or entirely shear it of all executive advisory powers. New York alone is the only State, and no country on the globe gives its Lunacy Commission other than merely advisory powers.

Under the Odell system the Governor was the absolute dictator of the whole lunacy system of the State.

He brought a reign of terror into every asylum and State Hospital.

He could remove every superintendent and send him to any other hospital without giving him a reason, or a trial.

When Governor Higgins made his pledges on the stump to correct these evils, he no doubt intended to do so, but he lacked the energy, firmness of character and the courage to keep his promise. He was weak and unable to cope with Odell.

His changes were men whittling with a pen knife on the white oak or hickory; what was needed was an axe, sharp and at the root of the whole tree. It should and it must be taken out root and branch, and by the roots.

Had Mr. Hearst been elected Governor, the Odell Lunacy Legislation, would have been swept from the Statute Books and the State fiscal agency to supply the State instiutions have been swept away, as by a whirlwind, as it has deserved so long to be destroyed.

The voice of the people of the State has been expressed and Mr. Hearst's defeat was due to other causes. The voice of the people demands its repeal and its annihilation just the same.

The new Governor recognizes that the voice of the people of the State demand the repeal of this whole monstrous system.

But his position is unique and both branches of the Legislature are Republican.

The element of graft started and founded by Odell is not killed, only scatched.

If the Governor believes that the time has come, and that the voice of the people will sustain him. He is honest,

fearless, just and honorable. He is the Governor. He stands and is clothed with that power Odell exercised, for power and plunder.

It is quite safe to say that the grocers' bills of the New York State Hospitals and public institutions will not be furnished from the Ulster County grocers, if Governor Hughes can prevent it.

Each institution should be managed by its own Board of Directors, as it stood before this iniquitous system came in. I recommend that this Society have its Legislative Committee, who will have the full power and authority of this Society, to take such steps and co-operate with all persons or bodies, or parties that will connect and most effectively secure the repeal of the whole Odell system and efface the stain upon the fair fame of the State, which is now a cancer, and a burning disgrace.

The State Lunacy Commission should not be allowed any executive powers. If that Commission is retained its powers should be advisory only. It should be entirely reconstructed.

No medical man should be the chairman of it.

The greatest chairman of a Lunacy Commission that the world ever saw, was that English Commissioner, that grand Philanthropist, the Earl of Shaftsbury, who was chairman for more than 30 consecutive years. He originated and carried out all the great measures of lunacy reform in England. He was not a physician.

Our Lunacy Commission seems to be one that neglects that great aid and help; the duty of visitation.

Think of a Commission in Lunacy in this State, that shirks its duty of visitation, so that the inmates cannot reach and be in touch with it! Their latest movement is said to be to hire a man to do the visiting for them.

Fancy the Earl of Shaftsbury or his associates hiring a man to do their visiting of the insane asylums of England.

Let us hope that Governor Hughes, under God's Providence, can now commence the work of regulation and purification.

Let him meet, one by one, the superintendents of the State Hospitals who have not been relieved of their posi-

tions, and who were muzzled so they dare not speak, and restore the old system that Odell destroyed, lift the adminstration of the care and welfare of the insane of the State out of the mire of partisan politics, and restore it to its previous purity and splendor.

PROGRESS OF THE SCIENCE ABROAD.

Portugal.—The recognition of the science by Portugal, at the International Congress of April, 1906, justly places that country at the head in the work and progress of Medical Jurisprudence, at least among the European countries. The President and Secretary of that Congress were named honorary members of this Society, who accepted. Eight of the leading members, secretaries and heads of Sections of that Congress were named as corresponding members.

Italy.—Has been in the front rank last year in Forensic Medicine. She has a greater number of journals devoted to the various branches of the Science than any country in the world. She was a leader in Forensic Medicine, with her four great universities, when Paul Zachias wrote his famous oration, and before Great Britain had any university at all. The annual International Congress on Anthropology was made the occasion of a great memorial movement in honor of Lombroso and of Zuccarelli, at which this Society was represented. The contribution of Prof. Von Schroen, on the Pathology and Bacteriology of Tuberculosis, to the American International Congress on Tuberculosis, at New York, last November, is by far the ablest paper of the whole year on that subject from any country.

England.—The Medico-Legal Society of London is successfully planted in the English metropolis and is doing splendid work. It has published two volumes of its Transactions and is already a recognized authority in the British Islands.

France.—The death of Brouardel, of Paris, has been a cruel blow to Forensic Medicine. It was a shock to every student of Toxicology in the world, as his death was too soon, as all felt who knew him, but not for fame, and for immortality. His confrere, both in our Honorary list, both

luminous names in the Medico-Legal Society of France, Prof. Dr. A. Motet, survives him, and sent his adhesion to the International Congress on Tuberculosis, and Dr. Magnan, that honored name in mental medicine, of St. Anne of Paris, received the public recognition of his confreres, to which his genius, his talent and his splendid work, entitles him as one of the notable chemists of that country.

Austria.—Prof. Dr. Moritz Benedikt, crowned with the successful labors of a long and useful life, has sent a contribution to our work, and was made an honorary member of that Congress, one this Society had long ago made him.

The Western Hemisphere.—The visit of the American Secretary of State to the South American Countries, of the Latin American countries, and the work of our International Congress on Tuberculosis, is bringing those countries planted on the two American Continents in what all the world now consents to call "American Waters," and the visit of delegates from the French and Spanish speaking countries, to our shores, are not only opening the gates for a freer and fuller interchange of commercial, financial and scientific advance, under that splendidly sympathetic and paternal aspect of the American Government inaugurated by John Hay and continued, widened, broadened, and increased by Elihu Root, has opened new fields of vision of progresses, and of advance in this Western world that holds out a future to the great body of people and of governments that people this hemisphere, in which Mexico and the Dominion of Canada participate.

The change in the resident English Ambassador will gladden the hearts of the ablest and best men of all the Canadas and cement, strengthen, and I hope perpetuate the friendly feeling that now permeates the people of the United States and of the Dominion.

RECOMMENDATIONS.

I recommend:

1. The naming of a Committee on Legislation, with full power in view of the present delicate situation, on the same lines as existed in 1904 and 1905 on the pending questions of legislation: a. The reorganization of the State Lunacy system, looking to the repeal and rescue of the

insane from the vicious legislation brought about by Odell. b. The rescue of the same from the mire of partisan politics. c. The abolition of the present Lunacy Commission, or to take from it all other than advisory power.

2. The same attitude on the question of the reform in our Coroner system, the Society has always held: a. Opposition to allowing the office of Coroner to be in any wise subordinate to the State, or city Boards of Health, but to be wholly independent of, and in no wise under either the dictation or control of the Health Departments. b. The Health Department should be subordinate to that part of the work of the Coroners that relate to the detection, discovery or the conviction or punishment of the criminal.

3. The various legislative questions of pure food, public health and the administration of criminal jurisprudence in which this body has taken such an interest in the past.

NECROLOGY.

Death has claimed, in 1906, an unusual number of our ablest, best and noblest names.

Ex-President R. Ogden Doremus, the Nestor of American chemists, laying down his armor in the full possession of his faculties, at an advanced age.

Jacob F. Miller, ex-President, who has been at my side for more than thirty-seven years in this work.

Chief Justice Peters, of the Supreme Court of Maine.

Hon. Joseph W. Fellows, of New Hampshire.

Prof. Dr. Henry Laehr, of Berlin.

Judge W. W. Goodrich, late Presiding Justice, Appellate Division, Second Department.

Judge J. F. Parkhurst, of Steuben.

And others.

HONORARY MEMBERS.

Lord Alberstone, Chief Justice of England.

Hon. R. B. Finley, ex-Attorney General, of England.

Hon. Joseph H. Choate, late Ambassador to England.

Surgeon General Suzuki, Surgoen-General of the Japanese Navy.

Prof. Dr. Miguel Bombarda, Secretary of the Lisbon Congress.

Hon. Elihu Root, Secretary of State.

FINALLY.

The skies are brightening for the Science of Medical Jurisprudence.

It had a splendid outburst last year in Portugal.

The Medico-Legal Society of London is doing good work.

Our Italian, French and Belgian colleagues are doing fine work. While it is apathetic in the Medical profession as such now we need not doubt that it will awaken.

The minutes of all the European countries have made our own look weak and meagre by contrast, but the younger men of the Medical profession are restless at the decadence and we shall soon see in the great number here evidence of a renaissance in Forensic Medicine in the Medical profession worthy of our future and our destiny as a country.

VICE PRESIDENT'S ADDRESS, MEDICO-LEGAL SOCIETY JANUARY 1907—ANNUAL MEETING.

BY DR. J. MOUNT BLEYER, LL. D., F. R. A. M. S.,
of New York City.
Vice President Medico-Legal Society.

In a field, wide as that of Medical Science, there are many paths, seemingly parallel in the outset, but ultimately converging toward those higher truths and more general laws, which, here as elsewhere, must be regarded as the just object and end of all research.

There can be few better tests of a sound understanding, than the right estimation of medical evidence; so various are the complexities it presents, so numerous the sources of error. The subjects of observation are those in which matter and mind are concurrently concerned;—matter under the complex and subtle organization, when vitality and all its functions are derived. Mind in its equally mysterious relations to the organs thus formed;—both subject to numerous influences from without, both undergoing very various changes from disease within. Individualities of each have their effect in creating difficulties, and these amongst the most arduous which beset the path of the physician.(1) Few cases occur strictly alike, even when the source of disorder is manifestly the same. Primary causes of disease are often wholly obscured by those of secondary kind. Organs remote from each other by place and function are simultaneously disturbed. Translations of morbid action take place from one part to another. Nervous affections and sympathies often assume every character of real disease, while remedial agents are

(1)Idiosyncrasy as arising in most cases from inappreciable causes, is the most absolute and inevitable difficulty in medical evidence: since no accumulation of instances, such as might suffice for the removal of all other doubts, can secure us wholly against this source of error.

rendered uncertain in effect by the various forms of each disorder, by the idiosyncrasies of the patient, by the difficulty of securing their equal application or transmission into the system, and finally by the unequal quality of the remedies themselves.

These difficulties, the solution of which give medicine its highest character as a science, can be adequately conceived by the medical artist alone. Neither those accustomed to legal evidence only, nor such as have pursued physical science in its more simple material forms, can rightly apprehend the vast difference made by the introduction of the principle of life; or, yet more, of the states and phenomena of mind, in connection with bodily organization. We have here a new world of relations, occult and complex in their nature, to be reasoned upon and resolved; with a principle of change, moreover, ever operating among them, and deviations from nature under the form of disease, which render all conclusions liable in a thousand ways to error. It is the want of this right understanding of medical evidence, which makes the mass of mankind so prone to be deceived by imposture of every kind; whether it be the idle fashion as to particular remedies; or the worse, because wider, deception of some system, professing to have attained at once, what the most learned and acute observers have labored for ages in vain.

It must be admitted, indeed, that this matter of medical testimony is too lightly weighed by physicians themselves. Else whence the frequent description of effects and cures by agents put only once or twice upon trial; and the ready or eager belief given by those, who on other subjects, and even on the closely related question of physiology, would instantly feel the insufficient nature of the proof(2). Conclusions requiring for their authority a long average of cases, carefully selected, and freed from the many chances of error or ambiguity, are often promulgated and received upon grounds barely sufficient to warrant a repetition of the trials which first suggested them. No science,

(2)Amongst the other difficulties of evidence in such cases must be noticed the ambiguity of all language as applied to denote and distinguish sensations; an evil familiar to every medical college man, and only to be obviated by watchful experience.

unhappily, has abounded more in false statements and partial inferences; each usurping a place for the time in popular esteem; and each sanctioned by credulity, even where most dangerous in application to practice. During my years of practice of a quarter of a century, omitting all lesser instances, I have known the rise and decline of many fashions of medical doctrine or treatment; some of them affecting the name of systems, and all deriving too much support from credulity or other causes, even among medical men themselves.

Look at what is necessary, in strict reason, to attest the action and value of a new remedy or method of treatment. The identity or exact relation of the cases in which it is employed;—a right estimate of the habits and temperament, normal as well as physical, of the subjects of experiment;—allowance for the many modifications depending on dose, combination, quality of the medicine, and time of use;—due observation of the indirect or secondary, as well as direct effects;—and such observation applied, not to one organ or function alone, but to the many which constitute the material of life. All these things, and yet more, are essential to the completeness of the testimony. All can rarely, if ever, be reached; and hence the inevitable imperfections of medicine as a science. But much more, doubtless, of truth and beneficial result might be attained, were these difficulties rightly appreciated, and the fit means obviating them kept more constantly in view.

In no class of human events is the reasoning of "post hoc, propter hoc," so commonly applied by the world at large, as in what relates to the symptoms and treatment of disease. In none is this judgment so frequently both erroneous and prejudicial. It would seem as if the very complexity of the conditions necessary to sound evidence, tended to beget acquiescence in that which is lightest and most insufficient for truth. The difficulties occurring in practice from this source are great, and require a right temper as well as understanding to obviate them.

Nor is there any subject upon which words and phrases whether applied to disease or remedies, exercise a larger influence. Terms have descended to us, which we can

hardly put aside,—maxims, which better the understanding and power of action,—and methods of classification, which prevent the better suggestions of a sound experience. And these are among the evils most aggravated by public opinion ever prone to be governed by names, and particularly in all that concerns the symptoms and treatment of disease. The deeper the interest belonging to the subject, the greater the liability to error.

It needs to be called to the mind of medical men themselves how many organs of the body are still without a complete interpretation of their part in the animal economy. The uses of the ductless glands—the spleen, thyroid, thymos, and supra-renal bodies—are yet only vaguely conjectured. The physiology of the brain and nervous system, though loosely elucidated by the many fine researches of the past years, still abounds in difficulties, many of which time may overcome; while others are probably for ever insuperable. These are only a few instances indicative of one great source of error and embarrassment to which all medical proof is exposed. But in pathological doctrine also, there is similar and equal difficulty from the character of the evidence concerned. It is only of late years that the improved power and refined use of the microscope has given us more assurance as to the nature and succession of these changes; still leaving, however, various points open to future determination.

The history of contagious diseases furnishes another instance not less remarkable. It is the common belief of the world, and one plausible enough in its first aspect, that the laws of contagion are simple and readily learned. No mistake can be greater than this. All parts of the subject, even the circumstances most essential to practice, are wrapt up in doubt, and the evidence is of a so intricate a kind, and so much disturbed by seeming exceptions, that the best judgments are perpetually at fault upon it. The same remark may be extended to other classes of disease, where time and the most acute observation have hitherto failed to extricate truth from the multitude of conditions present; but where, nevertheless, we have the certainty of relations hitherto undetermined, the fixing of which belongs to future research, and will well repay it in the result. The

observations just made are not less true in relation to other departments of the Science. Take the internal remedies. We employ, even those most familiar, and seemingly simplest in use. The difficulties already noticed as belonging to the evidence of their effects, extend yet further, and more remarkable, to the theory of their action; and our knowledge, though augmented of late years by the wonderful advance of organic chemistry and physiology, can scarcely yet be said to have passed the threshold of the inquiry. We must admit that this whole department of medical knowledge, so important in all its bearings, is the one where most remains to be done to raise it to the character of a science. The real amount of the deficiency can only be understood by a candid examination of the results of experience, and a fair comparison with other branches of physical knowledge.

To many, indeed, even of those conversant with practice, this will seem too disparaging a view of the science of medicine, and, in truth, the accustomed way in which the uses of medicines are taught, and the methodical forms under which they are classed and named according to their alleged effects, do favor the presentation of a more advanced state of knowledge than that just described. It might be enough, perhaps, to refer those who doubt the reality of the view I have taken to what is unequivocally known of each one in particular. It will be found that ambiguities of language crowd around every part of the subject—that classification, while clearing away some difficulties, has created many more—than evidence, feeble in its origin, has often gained weight by mere transmission from one hand to another—and that this matter is peculiarly one where the prejudices and credulity of the world usurp upon the sense of the practitoner, and warp his practical judgment.

If the truth be really as here stated, in regard to our knowledge of internal remedies, it is a feeble and useless policy to disguise what is thus deficient. The avowal may more readily be made;—first, because the difficulties to be overcome are greater than in any other science of observation or experiment;—and secondly, because, despite these difficulties, the scope and prospect of future attainment are

ample and certain, and the connection with such other branches of physics, that the progress of each is fitted to throw light upon what is here doubtful or obscure. Already it may be affirmed that the recent methods of research in medicine have gained greatly in exactness, and the just appreciation of evidence, upon those of any previous period: —a natural effect of increasing exactness in all other branches of science; and, it must be added, of increasing and well-directed energy amongst those engaged in the profession. The deficiency just stated is greater, perhaps, than any other, and more difficult of redress; but time and various new means and appliances are in our hands, and it would be an injury done to the cause of science to doubt their effects.

A very special advantage we now possess consists in the application of numerical methods and averages to the history of disease; thereby, giving it the same course and certainty of result which belong to statistical inquiry on other subjects. We do not exceed the right expression of fact, in terming this method of average as one of the most important principles of instruments of philosophic research. Little, if at all, recognized as such in former times, it has now become a law in itself, and the index and interpreter of truth in every department of human knowledge. Under the guiding genius of the great Herschel and Struve it has been applied to the most profound questions in sidereal astronomy; while under a widely different use, it has been brought to the solution of some of the most curious problems of human life and social existence. The vast interval between is replete with examples of its successful application.

Averages may in some sort be termed the mathematics of medical science. It is obvious, indeed, that the value of inferences thus obtained, depends on the exact estimate of what are the same facts,—what merely connected by resemblance or partial analogy. The principle in question is indeed singularly effectual in obviating the difficulties of evidence already noticed; and the success with which it has been employed these few years, by many most eminent observers, affords the only assurance of the results that may hereafter be expected from this source. Through

medical statistics lies the most secure paths into the philosophy of medicine. This method of inquiry which so greatly distinguished Lewis as a pathologist, may be some of the eminent examples of this method which is now pursued almost universally by the medical profession. Numerous results and generalizations have been accomplished by us, otherwise wholly unattainable in any other way; and, on the simple principle of averages, every year tends to enlarge and confirm these conclusions.

In looking further to the chance of overcoming these difficulties in the future, regard must be had to the principle now verified in so many cases, that in proportion to the complexity of phenomena, is augmented also the number of relations in which they be surveyed and made the subjects of experiment(3). The application of this principle to medical science is every day becoming more apparent. The fine expression of Laplace, "Tout se tient dans la claime immense des verites," is well exemplified here. Every new path of physical knowledge opened, each simple fact discovered, has given guidance more or less direct towards the objects still unattained in physiology and the treatment of disease. The unexpectedness of some of the relations, thus determined and converted to use, is the best augury for further advances in this direction of pursuit.

A due estimate among medical men themselves of the nature of the proofs with which they have to deal is most especially needful now, when the older doctrines of physics and physiology, and in fact all allied branches, are all undergoing the revision required by modern science; and when new medicinal agents are every day produced upon trial, many of them dangerously active in their effects, many suggested by analogies which need to be verified by the most cautious experience. Hasty and imprudent belief may here become a cause of serious mischief;—the wider in its spread, as the minds mose prone to this credulity are those most ready also to publish to the world their premature conclusions; and thus to mislead the many who found their

(3)M. Comte in his "Cours de Philisophie Positive," has defined this as a general law, through which compensation is made for the difficulty or impossibility of giving a mathematical form to certain branches of physics; such particularly as relate to the phenomena of organic bodies.

own practice upon faith in others; or who seek after novelty, as if this were in itself an incontestable good.

And here I must advert to another circumstance which renders strict attention to the laws of evidence of matter of peculiar obligation at the present time. This is the tendency, so marked in modern physiology, to carry its researches into the most abstruse questions connected with vitality, the nervous power, and the relations of mental and material phenomena,—inquiries justifiable in themselves, but needing to be fenced around by more than common caution as to testimony, and the conclusions thence derived. Yet here especially it is that such precautions have been much disregarded;—partly—it may be, from the real difficulty and obscurity of the subject—still more, perhaps, from the incompetency of many of those who have taken it into their hands. For these researches, no longer confined to a few as heretofore, have become the property and pursuit of many who wander merely in the confines of science, believing they are within its pale; and whose speculations on what they see are little checked by collateral knowledge, or by a due estimate of the laws and limits of scientific inquiry. The mystery of the subject is in itself a charm and seduction to the mind. They see and give attention for the first time, to those wonderful phenomena, which, though inherent in the constitution of man, and in the relation of his mental and corporeal nature, are not familiar to common observation. The feelings are thereby excited even more than the reason; and belief is hurried on and results accredited, with little care for the sufficiency of proof, or knowledge of the many facts which otherwise explain, or conflict, the conclusion. However earnest the desire for truth, imposture rarely fails to mix itself with inquiries so conducted; and increases the practical evil which always more or less results from error. Every philosophical doctor is bound to watch over these events as they pass before him; never refusing inquiry, because what is put forward is new or strange; but requiring evidence in proportion to the unusual character of the facts; sifting closely that which is offered, and rejecting all conclusions not founded on this basis.

While speaking on the question of evidence as applied to these subjects, it is impossible not to advert to the fact—a

very important one in the history of the human mind—of the great diversities of intellectual constitution as to this point. It is in truth a striking expression of the difference of the reasoning power, testified on the most ordinary occasions of life, and every remarkable where the subjects rise to the character of science. Locke has well said: "There are some men of one, some of two syllogisms, and no more; and others that can advance but one step further." The distinction here expressed applies closely to every question of evidence. One man concludes upon proof which to another has neither weight nor pertinency. One mind pursues a subject throughout all its relations; another follows but a single line toward the results. "Some men in passing through the boundless ocean of disquisition, mistake fogs for land." There are others whom Lord Bacon calls "ill-discoverers, who think there is no land, when they can see nothing but sea." Such, indeed, are these natural disparities, as in many cases to preclude any mutual understanding or communion of the reasoning power.

In commenting on these facts we cannot rightly exclude the remark that a certain amount of speculation, duly guided, enters into the purest form of inductive science. Even could the mind be restrained from excursions beyond the strict bounds of evidence, such restraint would be a wrong done to that genius, which has often through the speculations opened a path to new and more certain knowledge. Instances of success, thus obtained, might be drawn from the history of the most eminent philosophers, and from the records of every part of physical research. It is not hypothesis, but conclusions founded on false or faulty evidence which are the bane of all philosphy.

I must further add here, that in questions of medical evidence there may be an excess of scepticism as well as for credulity. Sometimes this occurs in effect of a temperament of mind (not uncommon among thinking men) naturally disposed to see all things under doubt and distrust. There are other cases, where the same feeling, not originally present, grows upon the mind of physicians who have been too deeply immersed in the details of practice. The hurried passage from one patient to another precludes that close observation which alone can justify, except under special circumstances, the use of new remedies or active

methods of treatment. From conscience, as well as convenience, they come to confine themselves to what is safe, or absolutely necessary; and thus is engendered by degrees a distrust of all that lies beyond this limit. Though such scepticism be less dangerous than a rash and hasty belief, it is manifestly hurtful in practice, and an unjust estimate of medicine as a science; both as it now exists, and as it is capable of being extended and improved. No one can reasonably doubt that we have means in our hands, admitting of being turned to large account of good or ill. Equally unreasonable would it be to distrust the knowledge gained from a faithful experience as to the manner of using these means—and others which may hereafter become known to us—safely and beneficially for the relief of disease. The actual progress of medicine during the years, in all that regards the principles of the science, as well as the details of practice, is the best testimony for the present and assurance for the future. As respects the two extremes noticed above, it is certain that there is a middle course, which men of sound sense will perceive; and to which they alone can steadily and consistently adhere, amidst the many difficulties besetting at once the judgment and the conduct of the physician.

I am rather led to these remarks on the nature of medical evidence and the causes, moral as well as physical, effecting it, looking at the wonderful advances which have lately been made in all branches of science; not merely by the addition of new facts, but yet more by new methods and principles of research, by instruments of greater delicacy, and by increasing exactness of details in every point of inquiry. The effect of these changes has been (and it is a result the grandeur of which can be understood only by those who have pursued their progress) to bring the physical sciences into much closer relations with each other, pressing them on by converging paths towards that unity of principle which is the object and end of all true philosophy. I cannot here do more than allude to the profound researches through which dynamical forces—the phenomena of chemical, electric and magnetic actions—and those of light and heat—and several other advances have been submitted in so many cases to common laws; and the whole

associated with the great doctrine of atomic elements, acting and combining in definite proportions throughout every part of the material world. These generalizations, great though they are, do not narrow the field of the future inquiry; but give fresh space, new objects, and higher incitements to those who may pursue such researches hereafter.

The dissimilarity of the proofs, and the greater difficulty of their certain attainment, must ever keep practical medicine in the rear of other physical sciences, notwithstanding its closer association with them through the laws of animal physiology and organic chemistry, so largely explored of late years. But its still wider scope of usefulness requires that this distance should be abridged as far as possible, and no occasion be lost—by improved methods as well as by new facts—by more cautious observation and more exact evidence—of maintaining its place and connections among the other greater objects of human knowledge.

MEASUREMENT OF THE RED BLOOD CORPUSCLES.

BY MARSHALL D. EWELL, OF CHICAGO, ILL.,
Honorary President of the Society.

The American Microscopical Society,
Organized 1878—Incorporated 1891.

President's Office, 59 Clark Street,
Chicago, Jan. 11, 1907.

Hon. Clark Bell,
President N. Y. Medico-Legal Society:

My dear Sir:

To the best of my knowledge there are no notable advances in my department that require special notice.

I have noticed, however, in one case an attempt to revive the doctrine, which I supposed had been settled to the contrary, that it is possible to identify blood as human by micrometric measurements of its red corpuscles.

As bearing upon the subject I have made a collection of stage micrometers from every available quarter both in Europe and the United States, and have for some time been engaged in their investigation. With the advent of the National Bureau of Standards in this country and the very extensive facilities elsewhere for the verification of standards of length, one would be led to suppose that there would be a uniformity among the stage micrometers in the market and that they would be reasonably correct. I find on the contrary that, in my experience at least, never before were they so uniformly inaccurate. In several in-

Read before the Medico-Legal Society, February 19, 1907.

stances the irregularity of spacing was apparent under a low power of the microscope without the necessity of resorting to refined methods of measurement; and the difference between spaces of the same nominal value was equal to the difference claimed to exist between the average diameters of the blood corpuscles of different species of mammals.

The bearing of this upon micrometry of blood is apparent and needs no comment.

I call it to the attention of the Society as the best means of calling general attention to a matter that needs reformation.

Very respectfully submitted,

MARSHALL D. EWELL.

TABLE TO ACCOMPANY REPORT.

Investigation of two stage micrometers ruled on glass and marked for identification respectively "I" and "IX."

The first is a metric scale; the second an English.

Instruments used: A Bullock stand made expressly for micrometry, a Zentmayer filar micrometer, and a Zeiss (A A) objective; 1 division of the filar micronometer equal 0.25 micron equal 0.00001 inch approximately—a plus sign indicates that the space is too short; a minus sign that it is too long:

No. 1.

Spaces Measured	Relative Corrections	Accumulated Errors Measured from first line
1st 0.1 Mm	— 1.0 Micron	— 1.0 Micron
2d " "	— 1.8 "	— 2.8 "
3d " "	+ 1.0 "	— 1.8 "
4th " "	+ 1.0 "	— 0.8 "
5th " "	+ 0.8 "	0.0

Accumulated error measured from 1st line: —1.0 micron; —2.8 micron; —0.8 micron; 0.0 micron.

No. 9.

Same instruments except that a Leitz objective No. 3 was used. 1 division equals 0.169 micron.

Spaces Measured	Relative Corrections	Accumlated Errors
1st 0.001 inch	— 1.38 Micron	— 1.38 Micron
2d " "	+ 0.93 "	— 0.45 "
3d " "	+ 0.98 "	+ 0 53 "
4th " "	— 0.82 "	— 0.29 "
5th " "	— 0.84 "	— 1.13 "
6th " "	+ 1.21 "	+ 0.08 "
7th " "	— 0.64 "	— 0.56 "
8th " "	+ 0.76 "	+ 0.20 "
9th " "	— 0.87 "	— 0.67 "
10th " "	+ 0.67 "	0.00 "

For comparison I add the corrections of the ultimate subdivisions of the standard micrometer of the American Society of Microscopists as determined by Prof. Hilgard of the United States Coast and Geodetic Survey, and also the corrections of the same spaces as determined by myself in 1889.

The spaces measured are nominally each 0.01 mm. A plus sign indicates that the space is too short; a "—" sign that it is too long.

The corrections are the absolute corrections and include the errors of total length, whereas in the preceding tables only the relative corrections or deviations from the mean are given, the corrections for total length not having been determined. These should also be added when determined.

See proceedings Am. Society of Microscopists 1889, p. 66.

Space Measured	Corrections (Hilgard)	Corrections (Ewell)
2d 0.01 Min	+ 0.34 Micron	+ 0.36 Micron
3d " "	+ 0.05 "	+ 0.02 "
4th " "	+ 0.09 "	+ 0.06 "
5th " "	— 0.41 "	— 0.42 "
6th " "	+ 0.20 "	+ 0.18 "
7th " "	+ 0.39 "	+ 0.29 "
8th " "	— 0 19 "	— 0.19 "
9th " "	— 0.05 "	— 0.08 "
10th " "	+ 0.20 "	+ 0.16 "
11th " "	— 0.18 "	— 0.19 "

The corrections of the above described standard are rather large; but are very well determined.

MEDICO-LEGAL SOCIETY.

ANNUAL REPORT OF THE SECRETARY.

The Secretary has the honor to submit to the Medico-Legal Society the following Report for the year ending December 31, 1906:

MEMBERSHIP.

There was on the Roll of Active members December 31, 1905, the following number of members, viz		411
New members elected in 1906		38
Total		449
Suspended for non-payment of Dues	25	
Died	5	
Resigned	15	
		45
Active members now on Active List		404

HONORARY MEMBERS.

On Honorary Members' List December 31, 1905		71
Died		2
Total		73
Elected in 1906		11
Resigned		0
Now on Honorary List		84

CORRESPONDING MEMBERS.

Names on Roll December 31, 1905		504
Members elected in 1906		12
		516
Died	7	
Suspended	0	
Stricken from Rolls	0	
		7
Names now on Rolls		509

ROLL OF MEMBERS—PSYCHOLOGICAL SECTION.

Names now on Roll		156
Elected in 1906		1
		157
Died	7	
Resigned	1	
	—	8
Names on Roll December 31, 1906		149

SUMMARY.

Active Members	404
Corresponding Members	509
Honorary Members	84
Members of Psychological Section	149
Total enrolled Membership	1146
On Suspended List for Non-payment	25
Grand Total	1171

J. R. ABARBANELL,
Secretary.

MEDICO-LEGAL SOCIETY.

REPORT OF THE TREASURER FOR THE YEAR ENDING DECEMBER 31, 1906.

RECEIPTS FOR 1906—JANUARY 1 TO DECEMBER 31.

From Initiation Fees	$ 70 00
From Dues	291 00
Cash on hand December 31, 1905	158 39
Total Receipts	$519 39

DISBURSEMENTS.

For Printing	$45 25	
For Account of Medico-Legal Journal	100 00	
For Rents	35 00	
For Postage Account	91 43	
For Treasurer's Salary	26 00	
For Miscellaneous Expenses	38 97	
		336 65
Cash on hand Jan. 1, 1906		$182 74

RESOURCES.

Unpaid Dues of 1907	$962 00
Unpaid Dues of 1906	825 00
Unpaid Dues of 1905	520 00
Unpaid Dues of 1904	423 00
Unpaid Dues of 1903	294 00
Unpaid Dues for years prior to 1903	158 00
Total Unpaid Dues from Active Members	$3182 00

Exclusive of unpaid dues from members suspended for non-payment of Dues.

New York, January 1, 1907.

THEODORE BAAB,
Treasurer.

MEDICO-LEGAL SOCIETY.

JANUARY 1st, 1907.

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Wack, Wellington, Esq.

Yarnell, Judge J. H., M. D.
Young, D., M. D.

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The work of the Section during the preceding year has been devoted to the advancement of the science of the medical jurisprudence of surgery in all of its branches. The papers contributed upon these branches of science have been in part published in the Medico-Legal Journal, which is the official organ of the Section.

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Total membership, 134.

January 1, 1907. Respectfully submitted,

CLARK BELL.
Vice-Chairman and Secretary.

MEDICAL EXPERT EVIDENCE AND THE BILL PENDING BEFORE THE LEGISLATURE OF MAINE.

BY CLARK BELL, ESQ., LL. D.,
President of the Medico-Legal Society of New York.

Fellows of the Maine Academy of Medicine and Science:

Your invitation to speak before this Society, in support of a measure so important in its relation to the profession of Law and Medicine I regard as among the foremost honors of my life. A measure, which comes before the Legislature of your State from the Bar Association of Maine in an endeavor to aid the Criminal Tribunals in a practical effort to cope with the evils of the existing system relating to Medical Expert Testimony, must and will command the thoughtful and careful consideration of the highest talent in the great professions, to whom it is most intimately related.

It is fortunate for the state of the science, and the grave questions considered that the bill takes its rise from the masterly address before the State Bar Association of Maine, by one of the senior members of the Supreme Bench of the State, February 15, 1905, whose whole judicial life has been devoted to such issues as are now forced upon public attention by this bill. It needed the ability, the courage and the masterly presentation of the subject which it received at the hands of the great jurist who has had the courage, and what I may properly call it, the condescension, to present the plain facts and faults of the present system of medical expert evidence which confronts the professions in nearly every State of the Union, and I am sure that no member of the Bench or Bar of any of the American States will not feel profoundly interested in the

Read February 16, 1907, at Portland, Maine.

success of this effort for which I have to thank the courtesy of your body of being called upon from another State to carefully consider the criticism which he has made, and the remedies he suggests to better the condition of the present system, and I am glad to see both in the criminal and the civil tribunals.

It does not detract from the great interest which it arouses to recognize that Mr. Justice Emery has been recently made the Chief Justice of the Supreme Court of your State, who is the inspirer and, indeed, the author of the measure.

No Judge could have better stated or presented more forcibly the history of medical expert evidence, its uses and abuses.

I shall not attempt to speak of all the criticism which was made by the great Jurist in his admirable address, but shall confine myself to enumerate some of those which he most severely criticized and which the present exigencies of the situation in my opinion fully justify.

Among these I enumerate the following:

1. Partisanship of paid Medical Experts.

2. The payment of large sums to Medical Expert witnesses for their services.

3. The growing practice of having Physicians attend constantly while evidence is being taken and then asking them what is their professional opinion upon all the evidence thus heard by them.

4. The hypothetical question.

I think the time and the occasion call upon me to make some citations from this address.

Judge Emery says:

> I do not find in the books, either of law or medicine, that expert evidence has been much praised or welcomed. It seems rather to have been regarded as a necessary evil to be tolerated because nothing better could be had. In Honigan's case, 29 Mich. 4, the court said: "The experience of courts with the testimony of experts has not been such as to impress them with the conviction that the scope of such proofs should be extended. Such testimony is not desirable in any case when the jury can get along without it." In Clark v. The State, 12 Ohio 483, the court, after quoting a disparaging remark by Sir John Nicoll, said "Whenever they (the physicians) have enlisted on the side of either party, or of some favorite theory, the difficulties are greatly multiplied, and however honest or renowned for professional character the witnesses may be, such

will be the conflict of their testimony in nine cases out of ten, that it will be utterly unsafe for a jury or court to follow or adopt the conclusions of either side." In Winans v. Railroad Co., 29 How. 101, the United States Supreme Court said: "Experience has shown that opposite opinions of persons professing to be experts may be obtained to any amount." In Best on Evidence, Section 574, it is said: "There can be no doubt that testimony is daily received in our courts as scientific evidence to which it is almost profanation to apply the term." Finally here the drastic comment of our own court in State v. Walton, 65 Me. 74. In speaking of the rule excluding mere opinion evidence, the court said: "Any one who has listened to 'the vain babblings and oppositions of science falsely so called,' which swell the record of the testimony of experts, when the hopes of a party depend rather upon mystification than enlightenment, will see the wisdom of the rule." But unfavorable comments are not confined to judges and lawyers. Physicians and medical societies have often and publicly bemoaned the quality of much of the medical evidence given in court, and have desired and sought its improvement.

In what I say of the causes of this infirmity of medical evidence which it makes so often unsatisfactory, I believe I have the concurrence of many eminent physicians. At the outset I ought frankly to concede what they claim, that one cause is ignorance of medical science on the part of judges and examining counsel. To be a good judge or a good trial lawyer, one should have some previous knowledge of the nature of the subject-matter under investigation. If we in our profession would learn more of the general science of medicine, the more easily we could extract medical facts from medical witnesses. Eminent physicians have told me it is very difficult for them to state medical facts clearly in answer to questions propounded by uninformed lawyers, and sometimes by uninformed judges. They complain that often they are not allowed to use illustrations of their own choice, that their attempted expositions of apposite medical truths are often spoiled by confusing interruptions and objections. They urge that in stating medical truths they should not be laced as straight as the ordinary witness who is confined to visible or audible facts, but should be allowed something of the freedom of the class-room where they give instruction. They say they do not object to being heckled in cross-examination and made to meet criticism and defend their statements, but they do insist that, like the candidate on the hustings, they be allowed full answers.

I think these complaints are to some extent well founded, and if courts and counsel will give medical witnesses more protection from interruption and better opportunity to complete their answers, their testimony will give more light.

Another cause is inherent and cannot be at once removed by any action of ours. Medicine is not yet an exact science. Its absolute truths are few. Many dogmas of to-day believed and gives out as medical truths are really only theories or doctrines which may be abandoned tomorrow. A brief study of the history of medicine will reveal numerous revolutions in its theory and practice. An eminent Philadelphia physician, Dr. Donaldson, desired to be excused from testifying in the Wharton homicide case on the ground that any statement he could make as to the medical part of the case might within thirty years be shown to be entirely erroneous. The distinguished English physician, John Hunter, for the same reason would never venture a statement beyond his own personal observations. The only safeguard against this infirmity is for the medical witness to frankly avow its existence, and for the tribunals to recognize it and base their judgments as little as possible on what are simply the theories and doctrines of the day.

Another cause is the natural zeal of the medical witness to magnify his profession and show his learning. This zeal is most exhibited by the younger members of the profession fresh from the schools and exuberant in their self-confidence. They welcome medical problems and are quick to offer solutions. In this respect they are not unlike many young lawyers. The result is, they often state as medical truths their mere personal theories or opinions, instead of confining themselves to those tested and approved by the body of their profession. These witnesses, while fondly believing they are giving much light and aiding the courts in their search for truth, too often lead them astray.

A kindred cause is the fear of many medical witnesses that they will lose consideration if they frankly confess they do not know what is the truth of the matter. This is also a weakness of the younger physicians. They are called perhaps for the first time. They testify perhaps in the presence of a large and attentive audience. They feel that their own reputation is involved. They desire to be thought learned and competent. Knowing the judge, jury and audience to be laymen, ignorant of much of their science, they are tempted to incur the risk of misstatement rather than frankly confess their ignorance.

Another cause is that too many physicians summoned as medical witnesses rely too much on their general learning and experience, and testify without making any special investigation of the precise matters in controversy. So testifying, they are often confronted with phases and questions for which they have no safe answer. In this respect, physicians also have plenty of company in those lawyers who make little or no special preparation for any case, but rely on their general learning which too often is found to be insufficient. If physicians, when summoned, would ascertain, as they easily may, what medical questions are involved, and then make a special study of them and confine themselves to what they find to be accepted and established as medical truths, much of the uncertainty of medical evidence would be eliminated.

Other causes are found in the personal temperament or mental constitution of the medical witness, a factor that greatly affects all testimony from witnesses. The calm, deliberate, unbiased, clear-minded, clear-speaking witness is undoubtedly less rare among medical witnesses than among other witnesses, but the lack of these qualities in the medical witness is more grievous. A stupid, a rambling, a vain, a confused witness can after all make tolerably clear with the aid of counsel what he did see or did hear, but a similar person testifying as a medical witness is hopeless. No skill of counsel can make his testimony clear or effective. The only cure is to refuse to call such persons as medical witnesses. A mode of effecting this will be suggested later in this paper.

Another cause is the much debated hypothetical question. Physicians have told me they dislike to answer such a question since the question rarely states a case sufficiently clear for them to answer correctly. Often, enough data are not given upon which to base a professional opinion. Often, the data given are conflicting and even impossible, presenting cases never met with in medical experience. In fine the hypothetical question rarely presents the case as it is, and answers confined to it are therefore misleading. So convinced am I of the justice of this complaint, that I have never required an answer to a hypothetical question but have left it to the medical witness to answer or not as he pleased.

Analogous to the practice of putting hypothetical questions is the growing practice of having physicians attend constantly while evidence is being taken out, and then asking them what is their professional opinion upon all the evidence thus heard by them. This

practice is undoubtedly easy for the physicians, but I venture to say the answers to such questions have in fact little weight with court and jury, and indeed should not have much weight. Granting that the physician's answer is honest and based on the evidence as he remembers or understands it, the tribunal has no assurance that he remembers or understands it correctly. If the physician be dishonest or heedless he can conceal his errors in his misunderstanding of the evidence.

But the most prolific cause of the disrepute in which medical evidence is held, is the partisanship excited in, and displayed by medical witnesses. At one time, I hope not now, it was not unusual to give physicians retainers as medical witnesses. I was once local counsel for a defendant in a personal injury suit and was severely blamed for not getting ahead of the plaintiff in retaining local physicians. Of course the testimony of a physician testifying under a retainer cannot be trustworthy or satisfactory. I do not include in this condemnation physicians who are permanently employed by railroad companies and others to examine and report upon the real conditions of injured persons. In such cases the employment is for advice and not for testimony.

But apart from these extreme cases of retainer, partisanship is easily excited in physicians as well as in other witnesses. The physician who has attended a plaintiff, or is his family physician, and is called by him as a medical witness, naturally has the desire that his patient may win his suit. The physician called for the defendant, and thus arrayed against the plaintiff's physician, naturally shares the defendant's desire to win. If these two conflict in their testimony each becomes a zealous partisan not only for the party calling him but for his own theory. If more than one physician is called upon a side, then parties are formed and each physician feels the desire to back up his own party.

This partisanship is acknowledged and deprecated by physicians. Do what they will to divest themselves of it, they feel its force. At a session of the Maine Medical Association a few years ago this subject of medical expert evidence was considered. This ingrain evil of partisanship was brought out in discussion. One well-known physician stated an illustrative incident occurring at a trial in which he was a medical witness. After describing and lamenting the partisanship displayed by the medical witnesses on the other side he unconsciously closed with the illuminating remark "but our side won the case."

This tendency to partisanship is aggravated by two practices. One is the extra and often large compensation paid medical witnesses. The greater the fees paid, the greater the desire to be called as a witness and the greater the desire to justify the expenditure incurred in calling him. I am assured by physicians, as well as by lawyers, that cases are known where physicians have hinted that they could testify favorably for one side or the other. I believe these cases are very rare, but still large fees to be obtained are a temptation in all professions. The temptation may be small, or nil, to the distinguished and wealthy, but perhaps too great for the less fortunate. If it be said that without paying large fees the better physicians cannot be obtained, I suggest that the best physicians must obey the court's subpoena to appear and testify for the statutory fees. If it be further said they cannot be compelled to give out their learning acquired by years of study and observation, I suggest that the courts are entitled to all that any witness knows upon any question involved in a trial, however he acquired his knowledge. It may be that no witness, expert or ordinary, can be compelled to acquire knowledge but I know of no law in this State permitting any witness to withhold from the courts his knowledge already acquired,

except of course that acquired by a lawyer from his client. If it be urged it is a hardship to take a physician away from a profitable practice for the per diem of an ordinary witness, I suggest that his hardship is no greater than that of other men whose time is valuable and whose attendance entails loss.

I see no reason for exempting physicians from the common duty of all persons, rich or poor, busy or idle, educated or not, to appear and testify in courts of justice. The poorest litigant may need the testimony of experts as vitally as the most wealthy. He should have the right to compel it as much and on the same terms as any other testimony. To permit a physician to refuse to give medical testimony unless paid according to his own estimate of his value may be to deny justice to those most hurt by injustice.

Another practice tending to intensify partisanship is that of the same physician acting as witness and also as tutor or adviser to the party or attorney calling him. The court has recognized that even the most high-minded lawyer engaged in the trial of a case ought not to be both attorney and witness, and has laid down the general rule that he shall not. Equally the physician should not be both witness and adviser. His zeal as tutor is too likely to color his testimony as a witness. It is an unpleasant spectacle to see the physician coaching the examining attorney and then passing to the witness stand. Testimony so given is unsatisfactory and of little weight.

I am quite in accordance with the learned Jurist in stating that the most of the existing abuses are due to faults of the medical profession as such. Perhaps the majority of medical men are not called upon to take the stand as medical witnesses in important cases. The criticisms of his Honor relate more to the indiscretion and the folly of the medical experts themselves as has been frequently made so patent by the learned Jurist. In some of the Departments of Medical evidence and in some of the States this abuse has grown to such alarming proportions as to strike at the very foundation of the subject. It has been seriously asked in my own State and city whether the case of Molineux has not absolutely destroyed all confidence whatever in expert testimony respecting hand writing, and it is a most significant fact that the jury in that case not by their verdict, but by their statement in open court as to the effect in coming to their final conclusion, they did not take into consideration the expert evidence at all, while the enormous expenses paid the experts created a great public scandal. The value and efficiency and public utility of medical expert testimony has fallen into great disfavor among all classes of our people in a lamentable degree, a fact which no members of the profession of Law and Medicine can longer disregard, or ignore. So long as medical experts are able to be found who will swear

directly opposite to each other upon what seems to the Court and jury substantially the same question, and most frequently by the aid of the hypothetical question, the time has come when the legislature of the State must consider what steps could be taken by legislation to arrest the evil and what has been shown so glaringly in many cases as an absolute barrier to the ascertainment of what are the facts and what is the truth of the questions in the cases before the Tribunals for decision.

Now the learned Jurist proposes a remedy by legislation. It is based on his own experience in his own State in the Tribunals. While it is true that it arose on the civil side of the Court it has a wonderful practical value for our consideration in treating upon the criminal side as well.

Again I quote him:

If now we provide by legislation that in any case in which medical questions may arise requiring medical expert testimony for their solution, the court, or a justice thereof, may designate one or more physicians to make such examinations as either party desires, and such as the physicians desire, and to make notes and special study thereof preparatory to giving evidence, do we go any farther than we have safely gone in the other case? We abridge no right of the parties. We leave free to call the court physician or not call him, and also free to call other physicians. In practice, however, the court physician would be called by one side or the other. But he would testify more as the friend of the court than as a witness for a party, would owe nothing to the party and would have the more weight accordingly.

Under such a statute we should be measureably sure of at least one learned, competent, clear-minded and clear-speaking, and unbiased witness. He would be selected because of the confidence of the court and the parties in his integrity, learning and skill, and in his ability to make clear statements. It would be an appointment of honor stimulating him to deserve it by his faithfulness. He would know that he would be subject to vigorous cross-examination, and that he might be confronted with other physicians. He would feel, however, as the court's appointee, a sense of responsibility to the court rather than to the party calling him. He would be stimulated to make deeper study and investigation, to form his opinions carefully and conservatively, to state them clearly and accurately. He would be largely free from any sympathy with either party and from any sense of obligation to him. I believe that in a short time under such a statute few physicians, other than the court physicians, would be called, and, if any, only the best, because of the greater weight that would be given to the evidence of those appointed by the court over those chosen by the party. Great saving in the length and expense of trials would follow.

The Bill reported by the Bar Association of the State of Maine and now pending before the Maine Legislature

embodies these suggestions and remedies and I take great pleasure in presenting it as a part of my paper for your consideration and discussion.

The Bill is as follows:

STATE OF MAINE.

In the year of our Lord one thousand nine hundred and seven.

An Act relative to Expert Evidence.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. In any case, civil or criminal, in the supreme judicial court, or any superior court, when it appears that questions may arise therein upon which expert or opinion evidence would be admissible, the court, or any justice thereof in vacation, may appoint as examiner one or more disinterested persons qualified as experts upon the questions. The examiner, at the request of either party, or of the court or justice appointing him, shall make such examination and study of the subject matter of the questions as he deems necessary for a full understanding thereof, and such further reasonable pertinent examination as either party shall request. Reasonable notice shall be given each party of physical examinations of persons, things and places, and each party may be represented at such examinations.

Section 2. At the trial of the case either party or the court may call the examiner as a witness, and if so called he shall be subject to examination and cross examination as other witnesses. For his time and expenses incurred in the examination and in attending court as a witness he shall be allowed by the court a reasonable sum, to be paid from the county treasury as a part of the court expenses. The court may limit the witnesses to be examined as experts to such number on each side as it shall adjudge sufficient for an understanding of the contention of the parties on the question.

Section 3. When upon the trial of any case in either of said courts questions arise upon which expert or opinion evidence is offered, the court may continue the case and appoint an examiner for such questions as provided in Section 1.

Section 4. In all cases in said courts where a view by the jury may be allowed, the court, instead thereof, may appoint one or more disinterested persons to make the desired inspection in the manner and under the same rules and restrictions as in the case of a view by the jury. The viewer thus appointed may be called as a witness by either party or by the court, and shall be subject to examination and cross-examination like other witnesses. He shall be allowed by the court a reasonable sum for time and expenses incurred, to be paid by the party asking for the view and taxed in his costs, or to be paid by the county as a part of the court expenses, at the discretion of the court.

The remedy proposed is one which will in a large degree correct the abuses now existing in respect to those points which the learned Judge made the occasion of his severest criticism. Both the legal and the medical profession know very well, indeed, how very little attention is now paid in the courts under the existing system, to so-called Medical Expert Testimony. In cases involving large interests,

especially where millionaires are concerned and enormous sums of money are at stake, the practical value of these suggestions here made can be best illustrated.

Take for example the Thaw case, arousing so much attention in the City of New York. Supposing that this Bill now proposed had been adopted by the legislature of the State of New York and a motion had been made in the Supreme Court for the appointment of three or five eminent alienists to hear and determine the question at issue in that case.

Supposing further by way of illustration that the two leading experts of the defense, Dr. Charles P. Wagner and Dr. Britton D. Evans, had been appointed by the Court as triars of the question of insanity in the case.

Supposing in addition the eminent alienists, Dr. Austin Flint and Dr. McMahon, of the State Lunacy Commission, had been designated as two others, the conditions would have been wholly changed. There would not have been the slightest occasion for the partisanship that is now exhibited at that trial and no question respecting the influence of large sums of money paid to the experts would have appeared in the case. The Bill provides that the triars thus selected shall be paid by the State and the amount of their compensation is to be fixed by the Judge who tries the case. No matter how the jury decided at the trial we must assume that they would be quite competent to deal with the question. The only issues that would be brought before them would be the simple question under the law of the State of New York.

1. Was the prisoner at the time of the commission of the murder, which was evidently premeditated, insane?

2. Was he, if insane, able to understand the nature and character of the act, and did he know that he did wrong?

These questions would have been put to the triars by the Court and by the counsel. Their answers must have been necessarily direct and to the point. The demoralization in the public mind is increased against Medical Expert Testimony by the fear on the part of the people that in controversies where millionaires are interested and such enormous sums of money are expended as to take the case out of its ordinary bearings.

In the recent case of Patrick's conviction for the crime of killing the Texas millionaire Rice upon the evidence of the valet of the deceased, who testified as to the details of the alleged killing, the trial resulted in a conviction, and the Court of Appeals were divided by the very close vote of four to three, but the conviction was sustained. It is a matter of common notoriety based upon the statements of the public press of Texas, my information being from Dr. M. M. Smith, of Austin, Texas, a member of the Medico-Legal Society, that controversies had arisen in the Court of Texas between the Trustees of the estate of the millionaire, in whose hands the money was placed and the heirs who were demanding a distribution of the fund among the heirs at law, and it was stated in that proceeding that the Trustees made a showing in which they claim that they had actually expended a very large sum of money, amounting to over two hundred thousand dollars, to secure the conviction of Patrick, and the statement has never been contradicted from any quarter that I have ever seen, and that enormous sums of money were distributed among prominent lawyers in the City of New York, by those Trustees to secure that conviction, where none of them were known to be engaged in the trial.

The amount paid to medical experts in such cases sap at the very foundation of justice and strike at the very heart of the system of the medical expert evidence.

The Bill proposed by this distinguished Jurist will remedy this evil to a large extent.

I ask that the Maine Academy of Medicine and Science endorse and approve unanimously this interesting measure; that it should memorialize the Legislature of the State of Maine to place it on the Statute books of their common law.

I ask, in behalf of the Medico-Legal Society, that you give the measure made by this learned Justice a fair trial in the State of Maine. The Act will then become an object lesson for all the States of the American Union. It does not need any argument to convince you that by the triars thus selected as is provided, in this Bill, the abuses and faults of the existing system will be greatly relieved and some of the most scathing and severe criticisms will be obviated.

You will observe that Judge Emery's Bill does not prevent the employment of other medical experts outside of the triars named by the Court if either party so desires, but it is quite plain that in the face of such appointments of triars very little attention would be paid by the jury to the opinion of medical expert witnesses who were paid large sums to influence their opinion where they run counter to the opinions and decisions of the triars selected by the Court in the manner indicated by this Bill.

I regard the measure as a forward and upward step in Lunacy Reform.

I think that no act of the life of this learned and eminent Jurist will be more to his credit than this one in which he has sought to grapple with the monstrous evil in which both the professions of Law and Medicine are now engaged.

EVOLUTION IN FORENSIC MEDICINE.

BY T. D. CROTHERS, M. D., HARTFORD, CONN.

A very marked advance in Forensic Medicine has been the admission and the tacit recognition of the reality of psychical means and measures in the treatment of disease. In one instance claim was made for services of this kind. The judge declined to pass on the value of such treatment, but admitted it as evidence entertained by many persons and considered of value. In some late prosecutions of persons who have neglected to use proper means because of their faith in Christian Science, testimony of the value of this faith has been admitted, which in itself is a very great advance. In the trial of inebriates and drug takers during the past year evidence has been allowed of the degree of intoxication and the character of the stupor from drink and drugs, and the insanity of inebriates have been admitted in a number of cases. Although the decisions of the courts have been conservative and guarded, they have indicated a distinct recognition of physical causes producing mental derangement. Questions of malice associated with the use of narcotics have not been made prominent as before, but a decided change in the recent court decisions has been noted in this.

Contributed to the Medico-Legal Society, Jan. 19, 1907.

A SADISTIC MURDER.

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Murder cases seem to be surrounded more by mystery than all other forms of crime. In most instances, this is doubtless due to the want of a sufficient number of facts to make the motive clear. But there is a peculiar kind of murder, which, though the facts be known, still remains incomprehensible to many persons. This kind of murder is called "Sadistic," from the word "Sadism," which may be defined as a feeling of sexual pleasure caused by acts of cruelty, or by bodily punishment inflicted upon oneself or others, or by merely witnessing such cruelty or punishment. There may also be a desire to humiliate, injure or even destroy another, in order to create sexual pleasure in oneself.

As normal sexual passion is more concealed in its manifestation than other impulses, so sadistic desires are still more hidden in their ways of seeking satisfaction. Sadistic murder is also often accompanied with horrible cruelties, indicating most intense and doubtless sometimes irresistible passion. The difficulty of comprehending the motive for such monstrous acts, where the idea of robbery, theft, brutality for its own sake, and often rape must be excluded, may cause judge and jury to hesitate, and be in doubt, and thus allow such criminals to escape. It is therefore important that lawyers, doctors, and all citizens who, as jurors, may be called upon to deal with such cases, should understand the nature of the motive.

The present case may be of assistance in explaining this species of murder, which unfortunately seems to be increasing.

CASE A.

The murderer (whom we shall call "A") was assistant superintendent of a Sunday school and also its librarian. During his early life and when a young man there were no apparent indications of prurient tastes or unusual passions or desires. His bringing up was exceedingly domestic and his young associates, both male and female, all testify to his modesty and politeness. His comrades of the Signal Corps of the National Guard believed thoroughly in the innocence of A and raised the money for the retaining fee of his first counsel. The head of his counsels gave his services free, so convinced was he of A's innocence. He was held in respect by all the people connected with the church, especially the young people; he was at all times one of the prime movers for all that was good in the church. He had the confidence of all the ladies in the church, mothers trusting their daughters to him and requesting him to care for them.

He was in his third year in the medical school, and his reputation among his professors and classmates was that of a young man of fair ability and gentlemanly in his bearing. The demonstrator of anatomy said that A was an attentive student and did his dissecting work well; that there was no indication of his dwelling morbidly on such work, as rumor had suggested. One of his classmates, however, wrote that he saw A steal a book from another student. A. when questioned, said the book was his and kept it.

The chaplain of the prison stated that one of A's youthful companions was a young lady whom he endeavored to entice into the church, previous to the crime, upon the ostensible plea that she was not well, and that he had a private room in the church where he would willingly make an examination of her person, which she rejected with scorn and ever after refused his attention.

His counsel said that when all hope was gone, A could have secured five thousand dollars from a prominent newspaper for his confession, regardless of whether it was true or not, but, though his family were poor, he refused the bribe and died protesting his innocence.

It is said many believed that his execution was a judicial murder.

TRIAL.

It took twenty-two days before a jury could be obtained. Four hundred and ninety-two men were examined. This was probably due to the great publicity given to the case, and the fact that many jurors were excused on the ground that they had conscientious scruples against capital punishment. It was also known that the evidence would be of a circumstantial nature. The jury were out only twenty minutes, returning a verdict of murder in the first degree. The case was appealed and contested in the higher courts for more than two years; the prisoner was brought before the court and for the fourth time, heard the date of his execution fixed. The trial proper, after the jurymen were selected, lasted twenty-seven days.

MEASUREMENTS OF A.(1)

Height, 1 m. 68.9 c. m.; out-stretched arms, 1.70 m.; trunk, 91.6 c. m.; head, length, 19.5 c. m.; head width, 14.6 c. m.; right ear length, 5.6 c. m.; left foot, 25.3 c. m.; left middle finger, 11.5 c. m.; left little finger, 8.8 c. m.; left forearm, 46 c. m.; color of left eye, circle azure; forehead: incl. caedv; high; width, broad; nose, length medium, projection full, breadth broad. Chin, round. Hair, medium chestnut. Complexion light. Weight, 140 pounds; build, medium. Age, twenty-four years; born in Canada.

Physically, A was below medium height and of light weight, but of soild build. In walk, he was erect, head well thrown back, and frame well poised, but with an ambling, constrained gait, like a sailor. All his movements were alert, hand grasp strong and hearty, of a vital motive temperament, which with unusual length of body in proportion to height conveyed the impression of great vitality and physical strength. His complexion was clear, but colorless. His eyes (small orbital capacity) were medium size, blue, clear, half closed in conversation, eagerly searching your own with quick restless gaze as though sounding your thoughts for a gleam of mental responsiveness. The upper and lower eyelids were chronically congested, as though he had been weeping. The nose was rectlinear, of medium length, concave, broad, and flat toward the center,

(1)Measurements and description of A. furnished by the prison authorities.

sceptum, thick and protrubent at the end; his mouth was large and shapeless; his lips were thick; the ears were medium, moderately close to cranium, lobules small, otherwise normal except as to helix with Darwinian tubercle. The beard was scanty, moustache slight and of a reddish hue; hair coarse and abundant. The lower face in profile was somewhat projecting; jaw and chin firm and medium; teeth good. Cranium of ordinary capacity, of the oxycephalic (as to the top of head) and delichoephalic, as to type, with ample posterior capacity and occiput, but without noticeable anomalies. Forehead was somewhat high, but medium in breadth, sloping perceptibly toward the parietal; zygomatic progress noticeable, though the face in its neighborhood was sunken, approaching the dish face. His health was very good. His nervous organization was phenomenal, and accounted, from a physiological standpoint, for his remarkable equipoise.

ANTECEDENTS OF A.

Very little seems to be known of the antecedents of A. The prison chaplain says that A's mother was a most remarkable woman, without evidence of an emotional nature, with nerves of steel; that she laughed and chatted with men and visitors, the coolest and most unconcerned among the several hundred of spectators, was repulsive in her heartlessness; that she and her husband sat down to a hearty meal with the body of her executed son in its coffin within a few feet of them and seemed to enjoy the meal greatly. That it is probable that the woman had a strain of Indian blood in her veins; she was a Canadian by birth.

FIRST VICTIM—MISS B.

The body was found Sunday morning, April 14, on the top landing of the unfinished belfry of the church; it was entirely nude; It was necessary to break open the belfry door, as the knobs to the door were off, and the door could not be opened with the janitor's key. The head of the body was directly in the corner, the feet were close together, the hands were folded across the breast, the face was up; there were two small blocks to hold the head in position; the body was white like marble; there was no odor about it; after the body was brought down from the belfry, it

changed color, and there was an odor. There was a discharge of a dark brown color from the mouth which ran on the floor of the belfry, covering a space of about ten inches square, irregular in shape. What seemed to be blood stains, five to seven inches wide, were found on the lower floor of the belfry; there were also blood stains on the large frame which stood on the lower floor of the belfry. From this testimony, it would appear that the murder was committed on the lower floor of the belfry and subsequently the body was carried up to the top floor in order, perhaps to remove it as far out of the way as possible.

The clothes of the victim were found in different places scattered about; the waist or basque among the rafters above, with sticks upon it, in southwest corner of belfry, the skirt in the southeast corner with sticks upon it also. The basque was torn at the throat and there was a tear in the rear portion of the skirt. The corsets were hanging from the top of the platform, and the corset cover on the beam under the rafters; portions of the underclothing were under the casing at the top of the belfry; a hatchet on the beam near the roof over the belfry; victim's school books among the joists of the ceiling in a corner opposite to the belfry. The books were strapped tight together. The purpose of hiding the clothes in so many different places probably was to keep the crime from discovery as long as possible.

The autopsy on Miss B. by the official physician at the morgue, showed that she had died from asphyxiation caused by strangulation. The skin over the entire body was discolored and in process of decomposition. There were seven finger nail incisions on one side of the neck and five on the other side. From the depth of the incisions it would seem that there had been a great struggle. The incisions were very close together, extending down to the collar bone, one directly under the other.

The vagina was full of foul smelling secretion fluid. The internal organs were not in an advanced stage of decomposition. There was a congestion of the larynx and trachea. The body was well nourished. Menstruation had nearly reached its limit. The decomposition of the body interfered with a thorough examination.

The seven finger nail incisions could be accounted for easily by placing the hands together upon the throat; they could be made by two grasps of the hands about the neck. The body weighed about 140 pounds and appeared to be that of a healthy woman.

SECOND VICTIM—MISS C.

The body of the second victim was discovered in a small room, on Saturday morning, April 13, adjoining the library of the same church, in the belfry of which the first victim, Miss B., was found on the following day.

The autopsy, conducted by the physician at the morgue, showed that Miss C. died from asphyxiation and haemorrhage. The asphyxiation was caused by the insertion of rags in the larynx and trachea of the girl. The rags consisted of pieces torn from C.'s underclothing. The wounds consisted of a lacerated transverse cut on each wrist reaching across the full transverse length of the anterior portion of the forearm. In the forehead there were two vertical cuts a little less than an inch long each in length and almost connecting with each other just above the root of the nose. There was also a lacerated wound in the second intercostal space, a little to the left of the medium line of the chest. There were similar lacerated wounds in the third and fifth intercostal spaces. The arteries in the wrist, four in number, were severed. Some of the wounds appeared to be post mortem. It further appeared that violation had been committed both before and after death.

The instrument used was an ordinary table knife. The knife was broken off nearly to the handle, and several pieces were found imbedded in the various wounds.

In the corner of the room where Miss C.'s body was found, there were blood spurts on the wall, extending as high as the gas fixture, and a large blood spot on the floor appeared to have been a pool of blood.

THE CIRCUMSTANCES CONNECTING A. WITH MURDERS.

About 5 p. m., Wednesday, April 3rd, the organist came to the church and began to practice a piece on the piano in the Sunday school room. He had not been there over two or three minutes when A. appeared with hair somewhat dishevelled, neither coat nor hat on and vest unbuttoned, standing and looking at the organist, who asked A. why he

seemed so pale. A. said he had been overcome with gas. He sent the organist out to get some bromoseltzer. A.'s eyes were congested somewhat; the bromoseltzer nauseated A. instead of helping him.

A. told the organist that he had met Miss B. that morning and had ridden with her to the high school. A. and the organist left the church together. Other evidence tended to show that A. arrived at the church with Miss B. about four p. m., or a little after and remained there until 5 p.m., when he met the organist. While the evidence was wholly circumstantial, the jury were convinced that between the hours of four and five p. m. of that day, he murdered Miss B.

A. had known Miss B., for six months or more, and waited upon her perhaps as much as any of her gentlemen friends, but he was not pressing in his attentions. Miss C. was twenty-one years of age, small of stature, weighing about ninety pounds. She was cheerful in disposition and her character beyond reproach.

According to the evidence in possession of the officers of the law, Miss C. and A. were near the church on April 12, about 8 o'clock in the evening, engaged in an earnest conversation. A. appeared to be pleading and C. protesting, so much so, that a stranger near by, thought A. was conducting himself improperly and was about to interfere, when C. took A.'s arm and went with him to the church. In about an hour afterwards A. came out of the church alone, and went to a social gathering arriving about 9:30 that evening. His hair was somewhat dishevelled, perspiration was on his forehead, and his hands were slightly dirty, so that he asked permission to wash them. Then he joined the company, acting in no way to create any suspicion. On the next morning (April 13) as before stated, the mutilated body of Miss C. was found in a small room adjoining the library of the church.

In both these murders, the stubborn fact, that suspicion could be thrown upon no one else but A., stood out in its boldness.

REMARKS OF A. ON THE SCAFFOLD.

On ascending the scaffold and after being placed in position, A. made the following remarks:

"To those who wish me to say something, I will say that I have no animosity toward any except those who have hounded and persecuted me to my death for a crime that never stained my hands, and I forgive them as I hope to be forgiven. The crime was fastened on me by the press of San Francisco, but I forgive all. It is they, who have forever blackened the fair name of California by putting to death this innocent boy. Whether the perpetrators of this crime will ever be discovered matters little now to me. All I can say is, that I am innocent, and I want those who have circulated the report that I had a sensation to spring, to hear it. For the last time on earth, I declare my innocence before God to whom I now go. He knows the heart and reads the mind, and he will judge me not as I was judged here, but as I should be judged."

While the prisoner refused to take any stimulants and showed great courage up to the last, his final remarks on the scaffold seemed more like a recitation, than a spontaneous expression of thought from an innocent man.

CONCLUSION.

These cases are undoubtedly ones of sadistic murder. The evidence of this is stronger in the case of the second victim, Miss C., whose body was mutilated before death, as indicated in the blood spurts on the walls and the pool of blood on the floor, where she was found. In the case of the first victim, Miss B., the nail imprints about the neck, the blood stains on the lower floor of the belfry and on the large frame there, indicate that had there been a thorough examination made of these surroundings, still further signs pointing to the lustful side of the murder, might have been found, notwithstanding the fact, that it was nine days after the murder had been committed, making the blood marks much less distinct.

As A. was a medical student he would have naturally taken the greatest precautions not to leave any traces of blood on his clothes, and may have also, as far as time would permit (he had not more than an hour in each case) destroyed some of the traces of blood on the surrounding objects.

MOTIVE.

It seemed to have been assumed in the trial, that there were only three available theories as to the motive for the murder: First, pure desire for blood as manifested in cruelty; or second, a sudden anger arising from refusal to accede to improper proposal and threat to expose; or third, murder to destroy the victim of rape. As A. had never before manifested any brutality, the supposition of thirst for blood for its own sake, or pure cruelty, would be very improbable. As to the second motive, of sudden anger this also would be impossible, from what is known of A.'s character. The third supposition to destroy the victim of rape, is equally improbable for a man of A.'s type, and especially one who had a medical training.

THE REAL MOTIVE.

There is but one motive that will explain these murders, it is the abnormal and intense sexual passion, a form of sadism, that takes extreme pleasure, sometimes in merely choking, without necessarily causing death; if the passion be not satisfied, the choking is liable to be continued until death ensues, as in the case of Miss B. If the passion still remains unappeased, cutting and mutilating of the victim's body before and after death may be carried on almost to any extreme. Or the choking may be continued just enough to make the victim helpless and prevent her from making any noise, and then wounds, often superficial at first, may be inflicted on the living body, causing the flow or spurting of fresh blood. If the passion be still unsatisfied, the wounds are generally made deeper, causing the blood to flow or spurt in larger quantities, as appeared in the case of Miss C. These seem to be the two ways, as indicated by the evidence which was employed; and this without regard to whether the murderer be known or not. Choking, strangling or wounding the body, before and after death, are perhaps the most frequent of the many methods of satisfying the extreme stages of sadistic excitement. Sadistic monsters not only differ greatly in their ways of satisfying passion, but often the same monster will voluntarily, or from necessity, employ methods, varying according to his own nature or that of his victim, or according to place or surroundings where crime is com-

mitted. Also limited time, or fear of being caught, may prevent the monster from carrying out his atrocities. It may be remarked in passing that the so-called "Jack the Slasher," who cuts women's garments and "Jack the Vitrol Thrower," have the same sadistic sexual passion as their motive, but expressed in less violent forms. The various ways of appeasing sadistic passion are almost infinite in number.

APPARENT MYSTERY.

How can a young man, of good reputation, polite and modest, especially in his conduct towards women, begin to commit such atrocious crimes? It is probable, that if A.'s crimes had remained undiscovered a week longer, he would have sought more victims, and would not have ceased until discovery or fear of discovery caused him to. Had he known or felt such sadistic impulses during childhood or youth, he would in all probability have manifested them. He probably had these feelings or impulses some time, before actually carrying them into effect; he may have struggled against them at first; then he may have yielded to them in some very slight way; and it may be in the case of his first victim, that he had no intention of murder, but having aroused his sadistic passion, he was unable to resist it, until its complete satisfaction, a fact that has frequently been confessed by sadistic criminals. (See below). In the case of his second victim, however, he probably intended to satisfy his sadistic nature at almost any cost to the victim; he plead with her to come into the church with him.

A. was careful and cautious of nature, as his conduct during the trial showed. It is not probable, therefore, that he intended to kill his first victim, as suggested, for he would know that the body would be discovered eventually and suspicion be cast upon him. Hence the removing the body and clothes out of the way as far as possible, the breaking of the knobs on the door, so that it would be necessary to force an entrance into the belfry. But in the case of his second victim, no such precautions seem to have been taken. His monster sadistic passion may have gained complete control of him, absorbing his mind so that he was oblivious to almost everything else, a fact often

confessed by sadists of this type. A man like A., with a medical training and having such a passion, would naturally keep it an absolute secret, and this with his previous good reputation would help to protect him from suspicion.

MILD FORMS OF SADISM.

In order to comprehend more fully the crimes of A., it may be useful to mention a few examples, illustrating milder forms of sanguinary sadism, before citing cases, similar in certain respects to his own.

There is the case of a boy, who experienced sexual feeling by viewing a picture of a battle scence. It is known that after battles, especially where much blood is shed, the soldiers are sometimes seized with strong sexual impulses. Some authors, as Bloch(2), believe that the bloody scenes in gladiatorial contests and bull fights arouse sexual passions in the audience.

Krafft-Ebing (3) reports a case of a young man, twenty-five years of age who at eighteen, experienced a voluptuous feeling from seeing blood come from a wound in his own finger; he would often cut his fingers in order to cause this feeling. Finally this had no effect, but the sight of blood from the finger of a young woman, especially one sympathetic with him, gave him great pleasure, and it was with difficulty that he refrained from wounding his two girl cousins. His imagination was haunted with ideas of blood, which gave him voluptuous emotions.

A surgeon confessed to the writer, that while reading in a surgical work a description of the puncturing of a festered wound, he found himself to his astonishment, in a state of sexual excitement.

Another case(4) (studied by the writer), was that of a youth of sixteen, who confessed to strong sexual excitation being caused by reading in a newspaper the details of a brutal wife murder.

EXTREME FORMS OF SADISM.

Lombroso(5) reports cases illustrating several phases of sadistic murder, where two of the victims were found

(2)Beitraege zur Aetiologie der Psychopathia Sexualis, S. 46.

(3)Psychopathia sexualis.

(4)Le Criminel Type dans quelques formes graves, etc. Bibliographie de sexualite pathological. Paris, 1895.

(5)Goltdammer's Archiv. XXX, p. 13.

naked, the monster confessing, that as soon as he grasped his victim by the neck, intense sexual sensations were experienced; usually simply choking his subjects satisfied him, but if sexual satisfaction was delayed, he continued the choking until death. This was probably A.'s experience with his first victim.

Another case(6) was that of a married man, father of several children, who up to thirty years of age had led an exemplary life, and then suddenly began to strangle women, murdering six during a space of ten years. Some he did not violate; others he would abuse before murdering them. He was very cautious; his good reputation doubtless helped him to remain undiscovered so long. One of his victims was a young robust woman; he walked and conversed with her on the road, and then suddenly grasped her by the throat, holding her hands and offering her money, if she would submit to him. On her refusing, he drew a knife and stabbed her in the chest and continued to wound her, after violating her. When arrested, he denied having committed the crime. Subsequently he confessed all, showing neither pride nor remorse.

Another case(7) (published by the writer) was that of a sexton of a church, thirty years of age, a married man with family, and of good reputation, who on the scaffold confessed to having intense sexual excitation from braining a little girl in the belfry of the church; he also had brained a woman twenty-eight years of age. He did not violate either of his victims. His confession was most horrible and loathsome. As in the case of A., his lawyer had felt absolutely convinced of his innocence.

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(6) L'Homme Criminel and Pazzi ed Anomali, p. 143.
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COCAINISM AND SOME MEDICO-LEGAL RELATIONS.

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The use of cocaine has increased to such an extent that it is now called the third great scourge of the world. Alcohol and opium being the first and second. Appearing forty years ago as a pleasant local anesthetic very useful in surgery and dentistry, it has now become most widely used for its local as well as general quieting effects. During all these years its medicinal use has not increased to any great extent compared with the demand by proprietory drug manufactures and laymen of all classes from the most intellectual down to the lowest tramp and criminal. Until recently it could be purchased in almost any drug store without restrictions and its peculiar quieting effects with consciousness of vigor and strength made it one of the most attractive of all narcotic drugs. The sense of invigoration and freedom from discomfort and pain with a feeling of strength was at the first not followed by any particular after symptoms. The impression on the mind was so delightful that when its effects passed off and a sense of depression came on, its renewal was simply a demand that seemed in the nature of food. Probably the largest number of persons who are addicted to this drug have used alcohol or some form of opium, and from the effects of these drugs certain derangements and disturbances of the nervous system appear for which opium is a most grateful remedy. The morphinist and the alcoholist were charmed

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with the relief which this substitute gave, and the new sensations of comfort and rest which came from its use, for a time all other drugs are abondoned and cocaine is used, then the injury from this source in depression and exhaustion appeared, and then spirits are taken to overcome this, and so the vicious circle is begun, going from one drug to another. A great many nervous persons and others suffering from catarrh have found the local application of a solution of this drug to bring the most perfect relief, and hence its use was followed until an addiction was formed. Cocainism seems to be limited to persons in early and middle life , and to neurotics and brain workers. To the sensitive and highly developed brains on the verge of exhaustion, it brings most soothing relief, to the stupid, imbecile and tramp on the street, it is a revelation of comfort and rest most fascinating. To the nerve exhausted man or woman, it brings strength, vigor and relief from pain and care which is followed by great peace and calm. Thus this new disease of civilization falls most heavily on the extremes of society, both of the wealthy and pauper classes, and the highly intellectual and dull persons. Cocaine is especially dangerous, not only by its distructive paralysis of cell and tissue, but by its narcotic effects covering up the danger and rendering the patient unconscious of the injuries he is inflicting on himself. The degrees of exaltation, satisfaction and comfort which it gives are regarded as real. The victim is never conscious of any confusion of mind, or any doubt of the accuracy of the senses, and yet depression and acute degeneration are evident. Later when chronic stages are reached, the face becomes pale, cadeveric, the eyes are shrunken and glisten, and extremeties are cool, the appetite is lost and cold sweats appear, and general appearance of debility, and with it alternately great loquacity and taciturness. The language center seems to be in a state of great exaltation, thought flows in a constant stream, and if the person is educated the words glide along in a most melodious way. The senses take an on hallucinations of a dreamy pleasing character. Delusions, first very cheery and then depressing, often they are concealed, but always they dominate the entire thought. The cocaine taker unlike all other spirits and drug neurotics, is entirely oblivious to the real consciousness of the

acts, conduct and situation. Nothing is fictitious to him, everything is real and positive. If he forges a note it is reasonable and justifiable, if he commits a theft or puts fire to a building or commits an assault or homicide, it is for the benefit of others and an act of self defence. When alcohol or opium are associated with cocaine taking, the criminal acts and conduct are more complicated and less reasonable and more morbid impulses prevail. If the cocaine is used alone his acts and conducts will be reasonable and cunning and resemble a reasoning mania, only lacking in continuance and self sustained effort. One of the peculiar delusions is fears of injury sudden unprovoked assaults by secret enemies, hence he provides himself with fire arms and other weapons, exhibiting unusual precaution in locking doors and guarding the windows against the entrance of secret assassins. During the day he will give no evidence of these mental perversions, but at night when it is quiet, he will have hallucinations of hearing and delusions of acts and motives most intense. Often he will take opium or spirits to break up these sensations, and when they become distressing, he will resort to the old drug again. Thus reason, sense impressions are continuously deranged and are shifting constantly at one time he is deliriously buoyant, credulous, generous and forgiving, at another suspicious, dangerously revengeful, suicidal, homicidal and full of morbid impulses. Capital crime is always sudden and delirious, and is sometimes followed by reason and judgment to conceal and cover it up. Crimes against property are always from delusions and false reasonings, and may be preceded and followed by premeditation and cunning to conceal. The kleptomaniac and pyromaniac are of this class, clerks in stores, often women who take opium and cocaine are notorious for their thefts. Recently a man of some repute was convicted of pyromania and sentenced to prison, the act was without motive and the man exhibited great energy to put out the fire, and even subscribed to pay the losses from it. Later it was found that he was a cocaine taker. A clergyman whose conduct had been under suspicion as strange, assaulted the janitor of the church without provocation. The facts were brought out that he had formally been a great sufferer from hay fever, but lately his pulpit ministrations were marked by

excessive prolixity and only seemed to be governed by states of physical exhaustion. He had lately been secretive and confined himself to a room, and going out mostly at night with unusual precaution. Two physicians swore that he was sane, and he was convicted, later his cocaine taking was discovered and still later he became demented. The sudden impulsiveness of the act is characteristic of cocaine delusions, and the claims of efforts to destroy them by enemies are so childlike and unreasonable as to suggest cocaine. The mental condition of persons known to be taking cocaine charged with crime are always suspicious of delusions either concealed or open or degrees of reasoning manias that appear malicious, and although they cannot be made to conform to well known mental diseases there will always be found evidence of defects of both the mind and its control. A prominent case was that of a woman who claimed to be assaulted, the crime seemed to be centered on one of two men, both of them of previous good character and reputation, her testimony was positive and minute as to detail, but a few days after when another disposition was taken, it varied so widely as to create doubt. At the trial both men proved an alibi by a great variety of witnesses and she was finally recognized as a cocaine and morphia taker, and the case was nulled. It is a good rule in all disputed cases where there is a suspicion of drug taking particularly of cocaine and the crime is charged by one who is supposed to be using the drug to allow a sufficient time to determine the condition of the prisoner beyond question. So far most of the cases which have come into court in which cocaine addiction is prominent have been senseless assaults, and coarse crimes committed by tramps and persons in the lower circles of society often homicides and robberies usually of a coarse unskillful execution. The fact that the prisoner used alcohol and opium may be recognized, but no question is raised of the kind or form of addiction; in all the responsibility is supposed to be the same. In higher circles of activity strange unusual wills have brought out the fact that the victim was a drug taker, although during his life there was little or no evidence of it. In a contested will recently decided against the maker of the will, the only evidence of mental impair-

ment was the extreme talkativeness and the apparent word manias of the man. I swore that this was evidence of cocainemania.

This was denied because his conduct had been fairly rational. The will seemed unreasonable in its provisions and hence was not sustained had the will been reasonable his mental condition would not have come in question, and the family physician who was sure that he was perfectly sound would not have been strained to explain, his extreme loquacity and great depression. Another will was questioned on the ground that the author had used more than six thousand words to dispose of a few thousand dollars to his wife and son, the same suspicious talkativeness and mental depression with fears of injury and loss appeared in his history, showing that he was a cocaine taker. Another incident excited a great deal of inquiry and was unexplained by the family physician.

A business man suddenly became an excessive letter writer, requiring two or three clerks every day, to receive and carry on his dictations, each letter was well expressed, but so elaborated and prolix as to excite attention. He wrote nearly twenty letters of several pages to his partner in relation to the settlement of a small claim. His legal adviser received so many letters that he was unable to read them for want of time. Other correspondents were startled with his smooth well rounded phrases concerning almost every topic that had any bearing on their business, this lasted a few weeks and then was followed by exactly the opposite during which he expressed himself in the briefest axomatic terms. He died and in the settlement of his property bills for cocaine from a distant druggist were revealed, showing his addiction, although it was so secret that nothing was known of it.

A number of incidents have come to my attention of persons of respectibility who suddenly commit assaults and felonies and either justified or denied them, but in such a bungling way as to indicate mental feebleness. An inquiry made it exceedingly probable that the act was preceded by drug taking, particularly of cocaine, and that the act was entirely foreign to all previous conduct and gave little or no evidence of purpose. It has also been

noted that a number of most outrageous assaults and homicides have been followed by the suicide of the actor or perpetrators. Thus in one case a physician known to be using cocaine inflicted a fatal wound on a patient in his office, then as if realizing the crime, rushed to a river nearby and drowned himself. In another instance, a man known to be a drug taker, suddenly threw a friend down a long pair of stairs and hearing a despairing cry that the man was killed, went back to his office and shot himself, he finally recovered, but seemed not to have any clear memory of the act. He was convicted, but was a cocaine taker with impulsive manias and fears of death from injury and sudden assault. A dealer in canes asserts that whenever anyone orders canes with concealed knives or loaded, it is evidence that they are cocaine takers, and this opinion is often confirmed. Fears of criticisms for mistakes, real or imaginary and delusions of loss of property and character, are suspicious symptoms of this form of drug taking. The cocaïne taker is not as a rule susceptible to criminal suggestions by others. His own delusions may be fostered and increased, but there is great uncertainty about the materialization of other suggested impulses to crime. The transcient superficial character of the mental activities in the different stages of cocaine taking, would throw doubts upon any persistant and well defined criminal acts. The delusions of one stage may fade away in the next period, or reappear in some new form, it is altogether probable that the mental conceptions are confused and only materialized in obedience to some particular stimulant which is fleeting and uncertain. Delusions and hallucinations early become painful and renewed quantities of the drug are taken to overcome this condition. Several interesting cases of forgery, bill raising, and passing fraudulent checks, have come into court in which the criminal was a cocaine taker, there were confused and doubtful motives and strange conduct before and after the crime, and yet not sufficiently clear to correspond to any forms of insanity, hence the persons were convicted. A highly educated man after drinking a number of years, became a cocaine taker and immediately manifested a delirium for swindling. Disguised, he borrowed money on bogus checks, had paste diamonds and jewelry which he left as security. He trav-

eled around from place to place with a trunk full of clothing with which to disguise himself and after a transaction, disappeared and disguised himself so that it was impossible to be recognized. For nearly a year a Pinkerton man was on the lookout for him, and finally his supply of cocaine gave out and he was detected. There seemed to be in this a double personality, after several doses of cocaine he was an entirely different man, the mania for deception and concealment was the constant thought of his life. There was a marked earnestness and sincerity in his manner that deceived everyone that he came in contact with. Whenever he went he borrowed money, passed checks, going from place to place, traveling on the boats and at watering places, and posing as a speculator, a dentist and retired clergyman, and carrying out each part to great perfection. When arested and placed in jail, he broke down and became demented, although the exidence of his cocaine taking was presented in great details, it was not recognized by the courts. Fortunately cases of this kind are not common. In the lower classes of society, crime seems to follow the effort to procure the drug, thus hold ups, robberies, snatching pocket books, openly or concealed on the public streets, and in dark alleys, are frequently the act of cocaine takers. The pawn shops are veritable intelligence offices where the history of there drug manias are recorded in the articles exchanged for means to procure the drug. Defalcations have been traced to persons with this mania. The heaven which the drug produces is followed by a hell of misery and suffering which they seek to avoid and prevent, and for this purpose property and means to procure the drug are sought for under all conditions and in all possible ways irrespective of sentiment, law or any other consideration. Usually in this second stage, the patient's condition is recognized as one of aberation, although there is no very marked symptom of any particular form of disturbance, at one time he will be impulsive, passionate and dangerous, at all times he is secretive and his delusions are frequently concealed, but his extraordinary pains for self protection suggests his condition. A careful scrutiny of men on the street, will show this same condition in the suspicious air, and spasmodic way of handling the cane or umbrella, as if under a high tension of expectation to be called upon to

use it. This with a furtile eye and a quick rapid motion as if to take in the situation are most significant. The detective would explain this conduct as that of a criminal, expecting arrest; or one who had escaped the clutches of the law, but a trained specialist would recognize the cocaine delusions of sudden assault and possible injury from some assassin. This same suspicious manned and cautious words and sudden startling, at the closing of a door, or unexpected sounds and general frightened defensive look seen in other situations suggest a mental condition from cocaine. I turn again to the first stage of delirium of the language centers, which so far as we know is pathognomonic of this particular drug. If the cocainist is a lawyer, political speaker, lecturer or clergyman, he will show an unusual volubility, not warrented by the occasion and his thoughts will flow on in a most melodious, continuous current without pauses or end. If a clergyman, his prayers and sermons will be diffused as the winds. If a lawyer before the jury his thoughts will widen until the listener looses all conception of his purpose and object. The mental prospective and boundaries of thought are lost. If a novelist, the same continuous retorical prolixity of characters, situations, statements and reflections follow each other in a great phantasmagoric procession. Several novels that are highly praised and popular at present give unmistakable evidence of being written under the influence of cocaine. Much of the poetry and even the editorial work on the daily paper are often couched in optomistic sentences and statements that are so vague and deliciously obscure that the drug taking of the author cannot be mistaken. A literary man who come into notice for forgery and was convicted, was addicted to cocaine and his work which had frequently been admired as susceptible of many different meanings, showed cocaine clearly. A politician whose extremely erratic theories and opinions destroyed his future, was found to be a cocaine taker. A physician eminent in the profession committed some very disreputable acts which brought him into legal notice, and the only explanation was that of cocainism. In these cases it was the secret use of the drug, not suspected before that added to the mystery. The cocainist differs from the alcoholic in his solitary habits and peculiar mental elation and depression.

He is a maniac in conceptions and power of control with changing delusions that are likely any moment to culminate in some overt act. Sometimes these delusions concentrate in a particular direction. I was called as an expert to decide on the mental condition of a man who had slandered nearly every person in his vicinity and who for years was a bitter critic and fault finder, keeping his neighbors in a perpetual ferment. He was found to be a cocaine taker and this peculiar mental phase of slandering was the mania he possessed. He was found guilty and punished, although undoubtedly irresponsible. Having established the fact that the person uses cocaine, it must be assumed that the brain is more or less impaired and the capacity for reason and sound judgment is feeble, also the consciousness of right and wrong is defective, deranged and diseased. The alterations of exaltation and depression noted in a study of the man are significant of changes of both the function and organic activity of the brain, there may be concealment and general apeparance of sanity, but a careful study will reveal the actual condition. Cocainism must be recognized as a distinct cause of crime of a most complex character, and the cocainemaniac is literally insane, although the insanity may be concealed and be of a very obscure character. Medico-Legally a special condition of mental impairment and degeneration must be recognized as largely due to this peculiar narcotic. The following is one of these complex cases. A judge on the bench wrote me concerning a relative who was a drug taker. My answer seemed to arouse a literal flood of correspondence.

Letter after letter was received from him, sometimes two a day, giving most minute directions and opinions concerning the character and conduct of his relative, coupled with suggestions on a great variety of topics near and remote. These letters continued for a short time then suddenly stopped, and there seemed no kind of a question, but that the writer was using cocaine. Later he resigned from the bench by reason of ill health, and went travelling abroad, where he died suddenly. Had he committed a crime these letters would have been good evidence of his mental condition. A peculiar skin delusion is prominent in many of these cases of cocainemaniac. It is a hyperesthesia of the surface with sensations of itching and crawl-

ing as if insects were moving about. This delusion is very pronounced and is followed by a rash due to scratching or rubbing with the fingers, this is often significant of the addiction. Another symptom is extreme irritability and emotional excitement from no special cause, often followed by exactly the opposite states of buoyancy, comfort and quietness. The cocainemaniac like other drug takers show carlessness of personal appearance, neglect of the proprieties of society, or duties and obligations, is unreliable in his statements, prevaricates without any motive and shows defects of judgment. A case occurring a few years ago illustrates many of these facts. A very reputable business man who drank wine at the table, but was recognized as a thoroughly temperate, reliable person, was found to be a defaulter. He had secretly speculated with trust funds and curiously enough, when found out, showed a remarkable apathy and indifference, making no effort to explain his conduct. He was placed in jail and it was found necessary to give him morphine, on the trial I testified that he was irresponsible and a cocainemaniac, but he was convicted and died a few years after in prison. His conduct for a year before the crime was characteristic of a cocainemaniac, his alternations of emotional excitment and depression with great credulity and skepticisms, his unusual precaution to defend himself against secret assaults and his volubility and frequent complaints of skin disease and efforts to overcome it by baths and oil emunctions were all symptoms.

In his private papers, bills for cocaine were found, showing that during this time he had used large quantities. His change in manner and appearance had been noted, but it failed to attract any particular attention. Had his case been recognized and the man treated, the financial disaster which followed might have been averted. There are many reasons for believing that other cases of this character are occurring not unfrequently, and the failure to recognize them is a sad reflection on our non-expertness. A fact which I wish to make prominent is that the present legal standard of judgment is wrong, and the attempt of the law to lay down boundary lines of responsibility and irresponsibility is a grave error. It is impossible to find dividing lines where the brain could not have controlled its acts or

understood their nature and purpose. Another theory prevalent in the courts is the possibility of persons using alcohol, opium or any other narcotic drugs to excess at times, or continuously and the person continue to retain full possession of his faculties and be able to act with reason and judgment as if in full health. A large per cent. of all the medico-legal cases in which questions of responsibility are studied, are based on theories urged a century ago. The actual legal responsibility and accountability of these cases is very different from that seen or detemined in any court of justice. Cocainemaniacs are forms of insanity in the early stages difficult to determine and practically unknown, and even in the later stages when the drug taking is open and well recognized the possible insanity of the victim is doubted in the minds of the unthinking. Recently a man in this condition was sentenced for life for an assault that was foreign to his previous conduct. The question of cocaine taking was regarded by the judge as a trivial defence, and was urged as a fact which actually increased his responsibility. The great faults that we are now confronting in the adjustment of disputed cases are theories of what sanity consists of, and medieval conceptions of the brain and its functions. The teaching of modern science open up a new world of facts, and indicate clearly the physiological nature of the brain and mind. Facts which show the influence of drugs of narcotics of diet, of surroundings, of injuries, diseases and the influence of heredity and all the forces which increase the strains and drains of life, and which enter into the conduct and motives, and determine the question of action. Facts which show development, evolution, degeneration and retardation of growth. It is from this evidence that the questions of responsibility and capacity to act sanely at any time and under any circumstances must be studied. The McNaughton test which is regarded with so much reverence, as if it was an eternal verity, viz., "not toknow the nature, the quality of the acts he was doing, and not to know that the act was wrong," is flatly contradicted by the inmates of every insane asylum in the country. Judged from this alone fully half of the insane of every state of the union could be considered responsible. The actual question in court is, what are the facts concerning the charac-

ter of the person in question, his conduct, not his morals alone, but his acts, from these the question of the legal responsibility can be determined on a new and broader plain of more exact justice. The cocainemaniac has appeared, and his insanity should be recognized without question, and his liberty taken from him, until he can show a degree of health and vigor to enable him to act rationally. This is the demand which science is forcing upon every court of justice, and every attempt to correct the wrongs which come from defective conduct.

TRANSACTIONS.

The American International Congress on Tuberculosis and the Medico-Legal Society of New York,

IN JOINT SESSION

AT THE HOTEL ASTOR,
Times (Long Acre) Square,

November 14th, 15th and 16th, 1906.

[*Continued from December Journal, 1906, page 430.*]

THURSDAY, NOVEMBER 15, 1906.

EVENING SESSION—DINNER.

The Congress informally met at the Hotel Astor at 7 p. m., as the guests of the Medico-Legal Society of New York, at a Dinner tendered by the Society to the officers and members of the Congress. The menu appeared in the issue of the Medico-Legal Journal for September, 1906, and an account of the Dinner is given in the Journal for December, 1906, page 466. Some of the remarks at the Dinner appear elsewhere in this issue.

FRIDAY, NOVEMBER 16, 1906.

MORNING SESSION, 10 A. M.—THIRD DAY.

Dr. F. E. Daniel, President, in the Chair, supported by Dr. M. M. Smith, Secretary, and Dr. Clifford H. Irion, of Louisiana.

Clark Bell, Esq., President of the Medico-Legal Society, supported by Dr. T. J. Jeanty, Delegate from Hayti, and Dr. Juan J. Ulloa, Delegate from Costa Rica.

The Chair announced as the order:

1. State and Municipal Sanatoria. Under charge of Standing Committee, George R. Tabor, State Health Officer, Texas, Chairman. Discussion limited to five minutes.
2. Report of Nominating Committee.
3. Report of Committee on Resolutions.
4. Miscellaneous Business.

In the temporary absence of the Chairman, Dr. George R. Tabor, the President called on Dr. M. M. Smith, Secretary, of Austin, Texas, to preside, who made an address, and read a paper, which was ordered received and filed with the Secretary of the Council for publication in the Bulletin.

Dr. George R. Tabor, coming in, the President asked him to take the Chair, and Dr. George R. Tabor made an address.

Mr. Clark Bell made an address in discussion of the paper, and the Chair enforced the five minute rule.

Speeches were made by Dr. Clifford H. Irion, President of the State Board of Health of Louisiana, Prof. W. H. Brewer, of Connecticut, and others.

Mr. Bell moved that the whole subject be referred to a Select Committee of seven to be appointed by the Chair, and to report to the next Congress. Carried unanimously.

The Chair suggested that one gentleman from a State or Province, that were represented and present, be nominated, who should have power to organize a Committee in each State or Province, to consider and have the question of State and Municipal Sanatoria in charge in each State or Province with power to organize a sub-committee in each State or Province.

Mr. Clark Bell said: That he regarded the suggestion of the Chair as excellent, but that it did not at all meet nor would it interfere with the object or purpose of the Committee of seven, to be named under the resolution just adopted.

It was well known that strong differences of opinion now existed on the utility of great and expressly constructed State sanatoriums, as had been forcibly illustrated by the discussion originated by the London Lancet, which was reflected in the difference of views brought out by that Journal. That the London Lancet was entitled to high praise in opening that discussion in the masterly manner which that highest of the British Medical Journal had done.

That the utterances of Koch, at Stockholm, showed in a forcible way, that the views of that splendid intellect had changed in relation to some of the fundamental questions as to the real cause, nature, and even pathology of the disease.

Dr. Ireland's brief letter shows that a doubt had come into his mind, on a phase of the question, that the medical profession had not generally regarded as still open.

Behring and the greatest Foreign minds who were in the field of actual research were not exactly in accord on great fundamental questions, of the causes, of the disease and its bacteriological aspects.

The medical profession as a profession were not in the field of original research in the domain of the Pathology and Bacteriology of Tuberculosis. The medical men of both this Congress and the United States, had as a whole accepted and formed their opinions, not on original research made by themselves, but on the opinions of others in whom they confided and believed. How many of the medical gentlemen present, had studied the question with the aid of the microscope or modern scientific invention aids to pathological and bacteriological investigation? How many medical men in the United States, had done so. What is the opinion of such a man, for example as the much abused and lampooned Osler, worth as to the bacteriology and pathology of Tuberculosis, who holding a chair on General Medicine at Johns Hopkins, had never done a particle of research work in the domain of the microbe of Tuberculosis even during those early years before he states he has ceased to any original work at all.

He would not be allowed to testify in a Court of Justice at all upon one of the great questions now under discussion because without personal knowledge of, and experience in the practical work that the law requires to make a witness competent to testify at all.

That he had been favorably impressed with Dr. Irion's report of what the Board of Health of Louisiana had decided to do; to buy a large tract of land and make a park for a sanatorium in the open air.

The Legal mind, the Legislator, the Philanthropist must look to those scientists, who are now at work in the laboratories of the world, who as a rule, are not medical men at all, and few of whom are medical men in the sense of being practicing physicians. There is no room or place for the Medical Pharisee in the solution of these questions. The man who never did any original work at all his opinion should not be taken at all by thoughtful minds, because it is not based on either experience or knowledge, but only on what he reads or learns from the one who makes the studies.

When Von Schroen speaks, he shows you the studies and the research, and the bacilli, on which his views are based as do the men like Pasteur, Koch, Behring and others.

The Committee contemplated, by my original motion, is to report to the next Congress on the whole field of State and Municipal Sanatoria, with all the light that the research of the great and the best students of Science has thrown on the subject.

The President is wise, however in his suggestion. It is a splendid idea, that this contrast opens up a center of study in each State on the subject.

Mr. Bell then moved that the suggestion of the Chair have the assent of the Congress, and that the Chair appoint one man in each State or Province as chairman of a Committee, he is authorized to name, to study this question and report its work to the Congress, and that the Chair take time to make such appointments. Carried unanimously.

The Chair named J. C. Walton, M. D., for Virginia; L. Roy Williams for North Carolina; Dr. Lind, of West Virginia; Dr. Roberts for

Indiana; Dr. Irion for Louisania; Clark Bell, Esq., for New York; Dr. Walton, of New Jersey; Prof. W. H. Brewer, of New Haven, for Connecticut; Dr. M. H. Kassabian for Pennsylvania, and said he would announce the other appointments later.

Congress took a recess till 2 p. m.

FRIDAY, NOVEMBER 16, 1906.

AFTERNOON SESSION—2 P. M.—THIRD DAY.

CONGRESS ASSEMBLED.

Dr. F. E. Daniel, President, in the Chair; supported by Prof. W. H. Brewer, of New Haven, Conn., and Signor D'Alise, of Italy.

Clark Bell, Esq., LL. D., President Medico-Legal Society, supported by Dr. T. J. Jeanty, President of the Faculty of Medicine, of Port au Prince, Hayti, Delegate from Hayti, and Dr. C. H. Irion, of New Orleans, President State Board of Health of Louisiana.

The order on the Programme was as follows:

1. Election of Officers for ensuing year.
2. Action on Resolutions.
3. Miscellaneous Business.

The Chair called on the Committee on Resolutions to report.

Dr. J. Mount Bleyer, Chairman, submitted the resolutions as printed in the Bulletin of 1904, offered by Mr. Clark Bell, at the reading of his paper on "Preventive Legislation." They were put to vote and carried unanimously, as follows:

"Resolved, That as the sense of this Congress consumption is a communicable disease from one human being to another.

Resolved, That it is within the power, and it is the duty of the Government of every State, Province or Country to adopt such laws and regulations as will most effectually arrest the ravages and spread of this terrible disease.

Resolved, That as the efficacy and usefulness of laws depend upon their prompt and vigorous enforcement; and as experience has demonstrated that laws can only be enforced that are in accord with sound public opinion; it is in the judgment of this Congress the bounden duty of every citizen to use his influence and his best endeavor, to arouse and create a public sentiment, in favor of the adoption of preventive legislation respecting this disease, and as well to support the authorities in the vigorous enforcement of such laws when they have them adopted."

The Committee, through Dr. Bleyer, continued the report, and recommended the resolutions as published in the Bulletin of 1904 on State and Municipal Sanitoria, as offered by Dr. E. T. Barrick, of Ontario, as recommended by the Committee.

Dr. J. Roy Williams, of North Carolina, objected, claiming that these resolutions had not been read before the Committee on Resolutions.

Dr. C. W. Raines, of Texas, stated that the resolutions as printed in the Bulletin of 1904 had been moved by him to be adopted as printed, and all of the resolutions as printed be printed in blocks, and that the Committee adopted the Resolutions unanimously without objection.

Mr. Bell, of the Committee, concurred in the correctness of Dr. Raines' statement.

Other members of the Committee, including the Chairman, concurred with the Report. Dr. J. Roy Williams opposed and moved that the matter be referred back to the Committee, to which the Chairman, Dr. Bleyer, assented, and the report was referred back by unanimous consent, and the Committee was at once called to consider the subjects reported.

The Committee on Resolutions met and after consideration and action submitted a report, eliminating from the report the Barrick resolutions and the resolutions offered by Dr. Hanford, as published in the Bulletin, but including all other resolutions adopted at the St. Louis Congress as printed in the Bulletin of that Congress, and with additional resolutions in writing, which were read by Mr. Bell from the written, report at the request of Dr. Bleyer, the Chairman of the Committee.

On motion the Report of the Committee as submitted was received.

On motion the Report of the Committee as amended and reported being those printed in the Bulletin and the written resolutions were unanimously received, and on motion adopted unanimously.

The resolutions as reported and adopted were as follows:

Whereas, The public health is the paramount interest of every State and nation, and upon it depends in a measure all other interests; and

Whereas, In American countries it is less safegaurded than any interests public, private, personal or property; and

Wheras, Consumption is the greatest menace and destructive agent to the public health, its mortality according to the last United States census report, being over 400 a day; and

Whereas, The cause or causes of this disease and its methods of dissemination are well understood by medical and sanitary scholars; and

Whereas, It is known to be an infectious and communicable disease the prevention of which is within the power and scope of sanitary science; and

Whereas, It requires the authority of law to institute and enforce the necessary and proper measures of prevention; be it

Resolved, That it is the sense of the American International Congress on Tuberculosis now in session, that it is the imperative duty of all civilized governments to take immediate action for the arrest of the spread of this scourge, and, as far as lies within the power of sanitary science and human endeavor, to eradicate it; and, further, that it is the sense of this Congress that every government should appoint a commissioner of the public health with a seat in the Cabinet, and give adequate authority and means to accomplish the desired ends in suppressing Tuberculosis; and, further, that each State and Territory of the United States, where there exists a State Board of Health, and in those States where there is no Board of Health, there should be created a board composed of the ablest sanitarians,—authority should be given to such boards to formulate and enforce a code of regulations for the prevention of the ravages of this fatal scourge.

Mr. Clark Bell then moved the same Resolutions that were adopted at the St. Louis Congress, reading from the Bulletin of that Congress, by E. J. Barrick, Denslow Lewis, J. H. Kellogg, M. D., and W. H. Mayfield.

By Clark Bell, Esq.:—

Resolved, That the Chair be authorized to appoint a Committee of four persons who shall constitute a committee on publicity, and who shall be empowered to enlarge their number by enlisting the assistance and co-operation of prominent educators, manufacturers, philanthropists, and others who may be able in various ways to assist in carrying on a strong educational campaign against tuberculosis.

By Dr. W. H. Mayfield, of St. Louis, Mo.:—

Resolved, That we most heartily concur in the suggestion of the National Fraternal Congress, recently in session in St. Louis in 1904, representing more than five million persons, that hospital cars should be provided by the leading railroad lines connecting with climatic resorts frequented by tubercular patients; and that we recommend the efforts as one in which all organizations and associations of men and women should be interested.

By Clark Bell, Esq:—

Resolved, That an educational committee be appointed by the Chair to enlist the co-operation of manufacturers, philanthropists, and others, with power to form auxiliary committees.

Following is the translation of the letter of President Diaz, of Mexico, to Mr. Clark Bell:

Mexico, November 10th, 1906.

Mr. Clark Bell,
New York.

My esteemed sir:

In reference to your favor of the 31st of last month, I am sorry to say that my official duties prevent me from attending at the opening ceremonies of the International Congress on Tuberculosis, to be held at New York, to which you had the kindness to invite me, but nevertheless, I wish that the results obtained at a meeting of so much importance shall be of great and positive benefit to humanity.

I am very truly yours,

(S.) PORFIRIO DIAZ.

The Committee on Nominations was called upon by the President to report.

The Report was submitted on the printed programme list as amended and read by the Chairman, Dr. J. C. Walton, of Virginia.

Dr. Clifford H. Irion, of New Orleans, La., was nominated for President, who was duly elected by unanimous vote.

Dr. George R. Tabor, of Austin, Texas, and Dr. Thos. Bassett Keyes, of Chicago, were then duly nominated and elected First and Second Vice Presidents.

President Daniels designated Dr. M. M. Smith and Dr. Geo. R. Tabor to conduct Dr. Clifford H. Irion, President of the State Board of Health of Louisiana, President-elect, to the platform. These gentlemen conducted Dr. Irion to the platform, where he was cordially greeted by the President in behalf and in the name of the Congress, and congratulated by the chair on his election as the successor of the Chair. Dr. Irion responded most gracefully and pledged himself to the Congress to give his very best endeavors to the faithful performance of the duties of the office. He spoke of his deep interest in the success of the Congress, fully endorsed its high aims and purposes, and said he should spare no effort or pains to continue its useful work during his official term.

Those of the officers elected who were present, were then called to the platform by the President and congratulated upon their election and he publicly thanked them for their past labors in the Congress just closing.

Dr. M. M. Smith, the Secretary and Treasurer-elect, made an eloquent reply, to the kind allusions made by the Chair to his past labors, and said he had the success of the Congress near his heart, and should enter upon the work another year with deeper interest and still higher aspirations, and should leave no effort on his part, unused to increase the usefulness of the Congress or add to the lustre of those achievements, that had crowned its success in the past.

Dr. Geo. R. Tabor, of Texas, thanked the body for his re-election. He said he should place the work in his State on the highest plane of usefulness inspired by his loftiest aspirations. He paid a beautiful tribute to the women, of the State Health Protective Association of Texas, in their activities in carrying out and executing his plans for sanitation in Texas. He stated with great force and in the most eloquent language that he felt indebted to that noble and splendid band of women in Texas more for the success of his labors and the realization of his plans as State Health Officer of that State, than to all other influences combined, and he took a sincere pleasure and felt, he hoped, pardonable pride in paying this tribute to them.

Dr. J. Mount Bleyer, Dr. J. C. Walton, Dr. H. M. Nash, of Virginia; Dr. Cunningham, of Alabama, and others made brief addresses.

Dr. Francis F. B. Fest, of Las Vegas, N. M.; Dr. W. F. Drewry, of Petersburg, Va., and D. J. McDonald, of Fairmount, W. Va., were then duly elected Third, Fourth and Fifth Vice Presidents, respectively.

Dr. M. M. Smith was then, on the report of the Committee, duly elected Secretary.

The Committee reported that Clark Bell, Esq., declined a re-election as Treasurer, and reported nominating Dr. M. M. Smith, of Austin, Texas. Mr. Bell moved the election of Dr. Smith as Treasurer, as he was duly elected.

The Council now in office and the Honorary Vice Presidents, as published in the program of the Congress, were then unanimously re-elected.

Mr. Bell presented a sympathetic letter from Dr. A. Motet, of Paris, enclosing a donation of 50 francs to the Congress.

Also a sympathetic letter from the President of the International Medical Congress at Lisbon, Prof. Dr. Costa Amao, promising to contribute a paper to a future Congress.

Mr. Bell then presented a letter from Vice President N. O. Nelson, reporting on his experimental work in reply to a letter of inquiry, which was ordered placed on file and printed.

The letter of Dr. W. W. Ireland, of Edinburgh, was received and ordered on file and printed.

The report of Ralph Shainwald, of New York, on the collection of contributions he had exhibited at the Stockholm Tuberculosis Congress, was read, ordered placed on file and printed.

Dr. F. E. Daniel, President, then made an address, calling the attention of the Congress to the long continued and extraordinary services of the Treasurer, the Hon. Clark Bell, whom he extolled as the founder of the Congress, who had since its organization, in 1900, been its active Executive Officer and whom he praised in high terms for his exhaustive labor in organizing the Congress at St. Louis, and for his work in connection with the present Congress, to whom he awarded the credit of its success, both at St. Louis and here, and moved that a vote of thanks be tendered him by the Congress, as he was now retiring from further active work on its

management and moved a rising vote of thanks to Mr. Bell for his long continued persevering and sacrificing labor in the whole history of the Congress to this day.

The resolution was adopted by a rising vote.

The Congress then proceeded to the election of its Honorary Presidents and the same as printed in the program were on the recommendation of the Nominating Committee unanimously re-elected.

Dr. J. Roy Williams, of North Carolina, then made an address commendatory of Mr. Bell's services to the Congress, and moved that the Congress pay Mr. Bell the compliment of a rising vote on his re-election as Honorary President, which was carried unanimously, and the Congress unanimously elected him as an Honorary President by a rising vote.

Mr. Bell returned thanks to the Congress and its Officers and members for their kind action and for all the kind words that had been said. Mr. Bell said, in part:

That no one could hear such kind words of commendation as had been made respecting his past work in the History of this body, without emotion.

That he had been deeply touched and profoundly moved by it. That he should never forget it, and should cherish it, with similar tributes, as priceless memories.

That the lacked the power to adequately express his emotion, his thanks or how precious such tributes were to him, from those, many of whom had stood by his side, and touched shoulder to shoulder in the fight, as the columns had year by year gone into the conflicts of the present hour, or of the past years.

He though too high praise had been awarded to him and not enough to the magnificent work of the men of the Medico-Legal Society, who had stood the brunt of the conflicts of the past. He missed Judge Abram H. Dailey, whose health had prevented his presence. Jacob F. Miller, who spoke last night at the Dinner, in more eloquent terms than he ever heard him use, of the importance and the granduer of this movement. He missed Dr. E. J. Barrick, of Toronto, who from the first to the last, had stood by his side most loyal of men and stout of heart, Prof. Chas. H. Hughes, of St. Louis, and scores of others who had been invited to meet us at this meeting whose hearts were with us. He was proud and glad to see that splendid veteran octogenerian, Dr. A. N. Bell, our first President and our staunchest friend, open this Congress, which will be enriched by the work Prof. Von Schroen has sent across the Atlantic, to cheer and encourage us in our fight.

The cause is a high, a noble, a humane one. It appeals to the philanthropist, the man who loves his race; and reminds one of what that grand man, the Earl of Shaftesbury, said to the Parliament of England, in behalf of the insane. That splendid Statesman, who not a Physician, but was one of the nobility of manhood, who served for thirty years as President of the Lunacy Board of England without compensation save the recompense which comes in the consciousness of right action and noblest motive in the discharge of duty, who said: "That he spoke for that great army of the Insane of England who were unable to speak for themselves," and for whom he was glad and proud to speak in an effort towards the welfare and good. This movement is for a still larger army of unfortunates, those who drop out of the ranks of men and women and children, stricken, falling by the wayside when touched with the terrible and deadly toxin of Tuberculosis.

They are more pitiful than the insane, because of the awful fatality of the disease. They hardly dare to trust that hope which

the Infinite has left so strong in the soul of the consumptive, and which cheers and fails him not, up even to the day that the Angel of Death gathers him in.

Working for a cause, sacrificing for it, only endears us to it. I shall never see the hour that this cause will not be sacred in my eyes, nor dear to my soul.

But its demands in the Congress of 1904, and of the present Congress, have been too great for my ability to meet.

I am still willing, and thanks to a kind and beneficent Providence, I still feel strong, and am not conscious of any feeling of weakness for the battle, but my family, my profession, and my duty to others, have higher claims, that cannot longer be ignored, or disregarded.

My voice, my pen, the columns of my Journal, are at the service of this majestic endeavor, which has the sanction and praise of the Government of our country.

I cannot close better than in using the language of that greatest of the laymen and statesmen of our country, that splendid name of John Hay, which have been repeated and emphasized by our present Secretary of State, Hon. Elihu Root, in his instructions to the diplomatic corps of the American Government, addressed to the heads of every Government of the Western world, when seconding our invitation to send delegates to this Congress and give publicity to its labors in the press of the Western Hemisphere.

"The humanitarian object which this Congress has in view to reach by the discussion of scientific men, some result in arresting the spread and averting, so far as it may be found possible, the ravages of this dreadful disease, which now falls with such terrible force and fatality upon the people of the Western Hemisphere, cannot but enlist the sympathy and approval of the Government to which you are accredited.

Dr. J. Mount Bleyer, Chairman of the Committee on Resolutions, then read from the report of the Committee on Resolutions, the following resolutions proposed by Mr. Clark Bell which had been approved by the Committee on Resolutions:

Resolved, That the thanks of the Congress be extended to the Hon. Theodore Roosevelt, President of the United States, for his appreciative letter of reply to the Invitation of the Officers of this body, and to the Hon. Elihu Root, Secretary of State, for the splendid and sympathetic action of the Department of State, in sending out the Invitations of this Congress to Foreign Governments, requesting them to send delegates to this Congress and that the name of Secretary Root be added to the list of Honorary Presidents of this Congress.

Resolved, That the thanks of the Congress be extended to the Governors of those American States and Lieutenant-Governors of the Provinces of the Dominion of Canada, who accepted the distinction of an Honorary Vice Presidency of this Conrgess, for the great moral force and aid it lends to this body, in its useful work and that we add these names to our Honorary Vice Presidents with both pleasure and pride.

Resolved, The Presidents of the Foreign Governments, who sent delegates to this Congress at the instance and suggestion of the American Government, or who aided this body by their sympathy and support, be placed on the Roll of Honorary Presidents of this body, as a recognition on our part of their sympathetic labor, and that the Secretary of the Council of this Congress transmit to them our action.

Resolved, That the best thanks of this Congress be and is hereby extended to Dr. F. E. Daniel, President, for his eminent and dis-

tinguished services in his position, and that in recognition of the same his name be placed on the Roll of our Honorary Presidents for the year 1907—at the close of his term.

Resolved, That the fiscal year of the Congress expires December 31, 1906, and that the newly elected Officers take their seats on January 1, 1907.

That receipts, contributions and dues paid or unpaid to the close of 1906, belong to and should be devoted exclusively to the reimbursement of the Treasurer for the sums he has advanced and expended for the Congress in the discharge of his duties.

That the present Management and Officers of the Congress close out the business of the current year and get out the Bulletin of the present Congress of 1906, under the existing contract with the Medico-Legal Journal.

Resolved, That in view of the fact that appointments of delegates have been made at such late dates, in many instances, as to preclude delegates from contributing papers and to enable all who might wish to contribute, it is hereby ordered that the time for the contribution of papers on the themes before this body for discussion be and is hereby extended until the final completion of the Bulletin of this Congress and be embraced therein, subject to the approval of the Committee on Reception of Papers.

Resolved, That the thanks of the Congress are due to the Public Press of the whole country who have aided this body to carry forward its work to such success as has followed its humane and philanthropic work, and that as the income of the Congress has not been sufficient to meet the sums needed to carry forward its work, we appeal to the humane and philanthropic friends of the movement to contribute to the material support of our Officers, not only to reimburse what has been already expended, but to carry it forward in the future.

Resolved, That the time and place of the holding of the next Congress be left to the Officers who come into the Management January 1, 1907.

Resolved, That our thanks are justly due to the Proprietor of the Hotel Astor for donating the use of its hall and rooms for the sessions of the body, and that our highest praise should be awarded the Proprietor for the excellence of his cuisine, and the courtesy of those who have been his aids during our session at this hotel.

Resolved, That all vacancies in offices hereafter occurring be filled by the Sub-Committee of the present Council up to January 1, 1907.

That in case of declination of any officers elected for the ensuing year the same Board have power to fill that vacancy.

These resolutions were offered by the Chairman of the Committee on Resolutions, and who reported them as having been formally approved by the Committee on Resolutions.

(Signed) DR. J. MOUNT BLEYER.

The resolutions were on motion duly adopted unanimously.

The Hon. Elihu Root was then, on motion of Mr. Bell, duly elected a Honorary President of the body.

Mr. Clark Bell then moved that the retiring President, Dr. F. E. Daniel, be duly elected Honorary President, as of January 1, 1907, and made an address eulogizing the labors of Dr. F. E. Daniel as First Vice President of the St. Louis Congress, in the management of the present Congress, and applauded his Presidential Address, which he characterized as the most masterly summary and presentation of the present state of the issues that had been made. That he regarded it, and that the profession would consider it as the crowning work of Dr. Daniel's useful life, and that a vote of thanks be tendered him by the Congress.

The Congress proceeded to the election of Dr. F. E. Daniel and he was unanimously elected Honorary President on his laying down his present service, and a vote of thanks to him was unanimously adopted.

On the report of the Nominating Committee, on motion of Mr. Bell, the following Vice Presidents-at-Large, Vice Presidents of States and Foreign Countries, Executive Committee and Chairmen of standing Committees of the Congress for 1907 were unanimously elected.*

The Secretary was directed to inform the Management of the Jamestown Exposition, that the Congress read their invitation, with thanks, and that the question of time and place of next meeting had been left with the newly elected officers with full power.

Also to the Commerce of Immigration, thanking them for their courtesy, but that the storm of the 15th had made it impossible for the delegates to accept the compliment.

The Congress adjourned sine die.

F. E. DANIEL, President.
M. M. SMITH, Secretary.
CLARK BELL, Treasurer and
President of the Medico-Legal Society.

*See December Journal, 1906, p. 478.

NOTES ON THE FREQUENCY, THE PROPAGATION AND THE PROPHILAXIS OF TUBERCULOSIS.

BY DR. J. E. JEANTY,
Of the Medical Faculty of Paris; President of the Medical College of Port-au-Prince; Delegate from the Government of Hayti to the American International Congress on Tuberculosis.

We are not about to present to you, in this paper, the recital either of all our own personal observations or those of other practitioners in Hayti, in regard to Tuberculosis; the limitations of our subject and of the occasion would not permit us to do this.

It appears to us much preferable to present to you some observations on the frequency of this malady, its propagation, the means employed up to the present time to battle against it, and the treatment which we believe to be the best adapted to arrest its progress.

Tuberculosis is a malady sufficiently prevalent in Hayti. The frequent journeys which we have made in the different localities of the Republic have permitted us to ascertain that Tuberculosis is more prevalent in the larger than in the smaller cities, less in the country than in the cities and is altogether exceptional in the mountainous regions. Its extremest frequency is in the capital city of Port au Prince, in Cape Haytien, Aux Cayes and Jeremic. Owing to the disregard and neglect of the rules of hygiene the disease, which was formerly rare in the other cities has lately become sufficiently common there.

The number of cases steadily increases in Port au Prince, since the population is more dense than in the other cities and consequently the inhabitants there are

Read before the American International Congress on Tuberculosis, held in the City of New York, Nov. 15, 1906.

Translated from the French by E. D. Bassell, Vice Consul of Hayti, at New York City.

more exposed to the conditions favorable to the spread of the malady, such as agglomeration, overtaxing of mind and body, alcoholism and excess of every sort.

The disease appears, as well among the rich and favored as among the poor, though its ravages are greater among the latter. It attacks persons of both sexes and of all ages. In the male sex it appears more frequent at the adult age, and is sometimes the result of diabetes, of syphilis, of alcoholism and of malaria. In females it is at the age of puberty, in the course of pregancy and especially in nursing that the malady is often found. At Port au Prince phthisis occasions a death rate of 8 to 9 per cent.

The affection finds its way into the schools and oftenest appears among the pupils who board there, a fact probably due to an insufficiency of proper food.

In the army Tuberculosis is quite common, a fact which is easily explainable. Our soldiers, tired by physical fatigues and moral inquietude, giving themselves over to all sorts of excesses, undergoing every kind of privation, subsisting upon insufficient nourishment, soon find themselves in such a habilitated physical condition as renders them liable to contract tuberculosis. The majority of them having lived in barracks situated in proximity to swampy localities contract malaria, an affection liable to provoke cachery (la cacheria) characterized by an enormous elimination of the red corpuscles, a lowering of the standard of fibrine and of albumen and augmentation of water. Here then is ground for tuberculosis as we have so often observed in the St. Alexis Hospital.

Here, then, also is the occasion for us to affirm that the so-called antagonism existing between malaria and tuberculosis has no foundation.

It is thus that in the indoor clinic (Salle Jobat) of the St. Alexis Hospital, especially set apart for the soldiers of the garrison of the capital, where we are prodigal of care, each month from 55 to 60 fever patients presenting the various forms of malarial poisoning, we notice an average of 6 or 7 cases of tuberculosis, these last including patients who have suffered a long time from the fevers of tropical countries.

At a given moment the fever ceases and the patients develop an obstinate cough, which at first view attracts the attention of the attending physician in the appearance of the faces of the patients; it is a special hue of the skin of the face which would be produced by a fine powder of ashes on a black skin, and it is also noticed that there is an oedematous infiltration of the lower limbs. An examination of the chest discloses that tuberculosis has set in.

The number of this class of patients in the St. Alexis Hospital do not represent the full number of soldiers in the army suffering from this moribund condition. For, the greater number examined by our army surgeons are sent back to their families, and it is this that explains the propagation of the disease in the country places; our soldiers are almost exclusively recruited from among the country people.

We have already seen that tuberculosis is propagated beyond this, and here is the reason of it; in our schools the pupils, besides soiling the floors of the study room by spitting, have the bad habit of dividing among themselves the little delicacies carried in their pockets, sometimes using their teeth in dividing up the dainty morsels to be eaten by comrades.

It is merely the same thing in the army. The soldiers have this bad habit of spitting on the floors of their barracks and very often they eat and drink from the same receptacles and smoke the same pipe.

In our families these conditions are wholly different. Here, although the rules of hygiene are apparently observed, still neither the members afflicted with tuberculosis nor the objects which they use are isolated. The vessels destined to receive the products of expectoration are not, as a rule, disinfected, and their contents are emptied down the toilette, where the flooring may become contaminated and thus constitute a source of propagation.

Up to the present time the legislation of Hayti has not, in any special way, taken action for the prevention of tuberculosis. But the people, especially those in the country, have adopted an excellent habit. After the death of a consumptive they burn up all the clothing and bedding and

furniture which he had used, and some times even the house in which he died is given over to the flames.

In the cities it is thought sufficient to cover the floors of the rooms, which have been occupied by the victim of tuberculosis, with quick lime, which is allowed to remain there several days, and then the floors are scrubbed with a solution of caustic potash.

If during the course of the disease rules of hygiene as severe as these were observed, the problem of arresting the progress of Tuberculosis in Hayti would be almost entirely solved.

From all that we have related of this dire affection in our country and while awaiting the discovery of a sure cure and the means of preventing the terrible scourge shall be rendered obligatory low, let us form the ardent wish that all the world will use every endeavor to combat a common enemy so greatly to be feared as Tuberculosis. The public authorities, medical practitioners, families and even the afflicted ought to lend their aid to this end.

The authorities whose duty it is to protect the public health, must cause to be observed all the requirements of the laws of hygiene,—cleanliness in our cities, buildings suitable for our schools and our barracks, and make the teaching of the general principles of hygiene obligatory, to put spittons in all our public establishments, to make it obligatory to disinfect the furniture, the clothing and all the bedding after the death of a consumptive, to create and establish dispensaries for the poor afflicted with the disease, the draining of swampy lands near cities, in order to narrow the limits of malaria, which is a great cause of organic depression in hot countries.

Practitioners ought, from the beginning of the disease, to institute a vigorous treatment and at the same time to insist on the direction to isolate the patient, so as to avoid contagion.

The first duty of the patient, on the slightest manifestation of the disease, is to take the most serious care of himself, and he must continue this even after he may think himself cured, carefully avoiding every cause that may lead to reviving the evil.

It is a solemn duty to see to it that children of possible Tuberculosis origin observe the strictest hygienic rules,

and to keep them in the open air, especially in the country, to give them the best of nourishment, to have them take exercise and to keep them from every source of contagion, and to secure for nursing infants a nurse free from every trace of tuberculosis; is of imperative necessity. Children should never be permitted to remain in the room of tuberculosis patients, even if they be relatives or parents. In the family where one parent is afflicted with the disease the other parent should never occupy the same room.

Families should see to it that the products of expectoration of a consumptive goes into a receptacle containing an antiseptic solution, and this receptacle should be emptied and well cleaned several times a day. The expectoration should not be allowed to spread on the bedding or clothing, or to go on the floor, because these becoming dry, it is readily reduced to a powder and thus become a powerful agent of contagion.

After the disease of a consumtive the family should proceed seriously to a disinfection of the room occupied and all the objects used by him. His clothing should be burned.

Here, then, are the various means which can in our country, bring down the death rate from Tuberculosis, if they be religiously acted upon and carried out.

REMARKS BY DR. JUAN J. URLOA,

Delegate from Costa Rica at the Opening Ceremonies of American International Congress of Tuberculosis.

In the name of the Government of Costa Rica, which I have the honor to represent at this Congress, I wish you great success in your most important undertaking, and I sincerely hope, that humanity shall receive the greatest benefit from the well directed efforts you are making towards its welfare. Considering the importance acquired in the world of science and of general knowledge by a great many of the members of the American International Congress of Tuberculosis, there is no doubt, that we, the less favored ones, will profit a good deal from your teachings, and as a consequence, will become able to carry to our countries a knowledge sufficient to put into effect the result of well conducted experience directed to ameliorate the deplorable state of things regarding the spread of so dreadful a scourge as Tuberculosis.

Costa Rica pays a good deal of attention to all matters relating to public health and to the prevention of disease, and tries to follow the leaders in these important branches as far as its means allow it. Something has been done in my country towards the prevention of Tuberculosis, but a good deal more remains to be done, and I hope that the conclusions arrived at this Congress, will serve to awaken the general attention of all nations towards the imperative necessity of dictating efficient laws and regulations enforcing hygienic principles which tend towards the diminution of contagion from tuberculous patients.

My presence here is really a passive one; I have come to learn, and in proclaiming you all, my teachers, I shall try my best so that your lessons may prove the most profitable and efficient.

REMARKS OF STATE DELEGATE WALTON ON THE SANITARIUM TREATMENT OF CONSUMPTION.

Mr. President:—There is no question in my mind that the results of the Sanitarium treatment of tuberculosis, owing to the better control of the patient and improved hygienic surroundings, are far superior to the results of home treatment. The greatest difficulty is the expense, as consumption is more prevalent among the poor, so after all it resolves itself into a question of prevention, as it is easier to prevent than to cure the disease.

I most cordially endorse the suggestions contained in the President's Address as to a national commissioner of health as a member of the cabinet, for it is only by legislation and educating the people that we will ever accomplish much of permanent value.

I trust every member of this Congress will resolve himself into a committee of one to urge upon his Congressman the importance of preventive legislation. Have every State Board of Health and every County Medical Society appoint lecturers to bring this subject before the people and to enlist the sympathy and help of the ladies, who are always foremost in every good work, and with their co-operation success is assured.

REMARKS MADE BY DR. JUAN J. ULLOA, AT THE DINNER OF THE MEDICO-LEGAL SOCIETY AT THE HOTEL ASTOR, NOVEMBER 15.

Ladies and Gentlemen:

Not without a well grounded amount of fear, do I take advantage of the privilege granted to me by our distinguished chairman, to try your forbearance and to submit you to the tortures of a bad speech. Our President, Dr. Daniel, said a little while ago, that no reference should be made in the after dinner speeches, to the topic that brought us together at this Congress, and he went so far as to menace with shooting, whoever did not follow this particular rule. Now, ladies and gentlemen, a very simple observation of the development of my physical individuality, will convince you all, that I offer a very good target to our President, who comes from a state in the southwest, where they seem to have among many other good traits, the reputation of excellent marksmanship, and this consideration explains the fear I spoke about when I began.

To protect my life, I shall not mention the microbes which are the cause of the affliction of humanity we have been discussing at the sessions of this Congress, but I have to congratulate the initiators of so important an undertaking, for the success of their work, and I have to mention, also, in this connection, the Medico-Legal Society of New York, and its worthy President, Mr. Clark Bell, to whose efforts the success of the American International Congress of Tuberculosis is due, in a great measure.

I tender also my heartfelt congratulations to the members of this Congress for their efficient work, and I sincerely hope, that their teachings shall before long, diminish practically the ravages of that powerful enemy of mankind, the baccilus of Koch.

As a side issue, and in the interest of the ladies who have come to adorn our table, permit me to say, that no microbe causes so much harm to the foreigners who come to this wonderful country, than the pupiloe baccili, who lives in the eyes of the justly celebrated American women, and to the increase of which, in flagrant opposition to hygienic measures as applied to other microbes, I have the honor to propose a toast.

RESPONSE TO THE TOAST "VIRGINIA" AT THE BANQUET AT HOTEL ASTOR BY STATE DELEGATE WALTON.

Mr. Chairman, Ladies and Gentlemen:

I am requested by His Excellency, Gov. Swanson, to extend the greetings of the Commonwealth of Virginia to this Congress, and to express his sincere regrets that circumstances prevented his being with you on this auspicious occasion.

I also wish to express my sincere appreciation of the noble self-sacrificing work of the Hon. Clark Bell and President Daniel, who have done so much to make our efforts a success.

When we reflect that one hundred and fifty thousand persons die annually of tuberculosis in this country, and that for every death there are at least five persons sick of the disease, the magnitude of the great white plague is appalling; and when we further consider that tuberculosis is not hereditary, but is a communicable or infectious disease and is strictly preventable, and all that is necessary is to educate the people along these lines. Without wearying you with details I most cheerfully endorse and commend to you the suggestions of our President in his annual address to this convention, in which he urges that a national commissioner of health, as one of the cabinet officers, be appointed, for we can do nothing without education and legislation along the lines indicated.

Colleagues, I thank you.

ADDRESS OF THE DELEGATES FROM HAYTI

To the American International Congress on Tuberculosis, At the Opening Ceremonies of the Congress, Held at the Hotel Astor, November 14, 1906.

BY DR. J. E. JEANTY,
Of the Medical Faculty of Paris; President of the Medical Faculty of Port-au-Prince, Hayti, and
BY DR. DOMOND,
Of the Faculty of Paris, Port-au-Prince, Hayti.

My dear Colleagues:

In response to the courteous invitation of the Government of the United States of America, the Government of Hayti has delegated us to take part in the work of the American International Congress on Tuberculosis, the object of which is praiseworthy.

We would think ourselves failing in our duty if we did not in entering upon our duty thank the Government of the United States in the name of the Government of Hayti for the signal honor which it has conferred on our country, and for the agreeable pleasure which it offers to us to take our place among so many men of distinction in the medical profession, and to bring our modest offering to this assembly of high intelligence.

DR. J. E. JEANTY,
Of the Medical Faculty of Paris,
President of the Medical College of Port au Prince.
DR. DOMOND,
Of the Faculty of Paris.

Translated by E. D. Bassell, Esq., Vice Consul for Hayti, at New York City.

THE PROPER HOUSING OF THE CONSUMPTIVE.

BY RALPH L. SHAINWALD, ESQ.,
Of New York City,
President of The Standard Paint Company.

From tuberculosis and its treatment, to the roofing of buildings may, at first sight, seem a far cry. A well defined connection, however, will be found to exist between the two subjects.

It would be presumptuous on the part of a layman to attempt to write or talk on the method of treatment of disease, but attention may be called to a few scientific principles for the roofing of shelters and sanitariums which should not violate any code of ethics or be considered an intrusion.

As I understand it, these shelters are so built as to afford every possible comfort to the patients, and much attention is given to details of construction. I do not know, however, that the roofing generally used is chosen for any particular advantage which it possesses.

Why not extend the same care in the selection of the roofing that is given to the buildings proper? Surely the roof is a most essential item.

Like any other article, roofing may be good, bad or indifferent. The three kinds of roofing best known, beside the one I am discussing, are shingles, metal and slate—each one having some objectionable features. Shingles rot, thus producing dampness; metal is a great conductor of heat, rusts and corrodes; slate requires a great deal of labor to apply and if it becomes at all loose the wind plays havoc with it.

The average person who is not a large user of roofing does not stop to look into the merits of the different roofings.

Read before the American International Congress on Tuberculosis, of New York, November 16, 1907.

ILLUSTRATION "A."

CHALET OR SHELTER SHED
USED IN THE TREATMENT OF CONSUMPTIVES
AT THE QUEEN VICTORIA HOMES, THIRLMERE AND WENTWORTH FALLS.
THE MATRON OF THIRLMERE HOME
THE COLLECTOR, Mrs GIBSON,
IN ATTENDANCE
TO RECEIVE SUBSCRIPTIONS.

The ideal roofing for sanitarium uses, it would seem to me, is one that it not susceptible to climatic changes, one that is air-tight and possessing an even temperature, imparting warmth in winter and coolness in summer.

A roofing of this nature has been used for a long time by sanitariums in various parts of the world. The illustration "A" herewith shows the buildings for consumptives located close to Berlin in the Province of Brandenburg. The roofing material used is Ruberoid. This was selected both for its hygienic principles and its great weather-proof qualities.

Experiments on buildings of every description show that this roofing is absolutely unaffected by any kind of weather. It is impervious alike to heat and cold, sun and rain. The particular features which recommend it as most suitable for sanitarium uses are, that it is a non-conductor of both heat and cold, is vermin proof and odorless.

Other German institutions which are using this roofing are government sanitariums in Melsungen, near Cassel, Meschede in Westphalia Obornik (Province of Posen) and Schreiberhau in the Riesengebirge.

Ruberoid roofing comes in rolls three feet wide, making it easy to apply. It is made in various colors, which are impregnated in the material and are not merely surface coats. The color is guaranteed to last for five years. Its pliability, which is one of its strong points, makes it particularly adaptable for covering gutters and all irregularities, rendering the whole structure moisture-proof and saving the expense of using zinc, tin or copper.

From far away Australia also comes the news of its adoption for the same purposes by the Queen Victoria Homes at Thirlmere and Wentworth Falls.

Cheerful surroundings are most important features to the patients, and when this roofing is used in color the effect is most pleasing.

The authorities at the Queen Victoria Homes had this in mind when they used the Red Roofing. To make it further ornamental they cut shingles out of the roofing, which enhances its beauty still further. The illustration herewith shows one of the shelters with the ruberoid shingle effect.

This roofing is also used at the Sanitarium at Roma, Queensland.

Ruberoid Roofing was first offered to the public over fifteen years ago, owing to the den.and for a light weight and strong roofing that would not only be weather-proof and fire-resisting, but permanent as well. It is now used throughout the world on buildings of all kinds. It is manufactured by The Standard Paint Company, whose main offices are located at 100 William Street, New York, with factories in Bound Brook, N. J., Hamburg, Germany, and Montreal, Canada.

NOTES ON TUBERCULOSIS.

American International Congress on Tuberculosis.
Office of the Secretary of Council,
39 Broadway,
New York, Feb., 1907.

Gentlemen and Colleagues:

The greatest field for usefulness this Congress can now possibly occupy is by bringing its labor and work to public recognition.

The campaign against Tuberculosis, after the involved issues of "Preventive Legislation; State and Municipal Sanitoria; the Pathology and Bacteriology of Tuberculosis, and the Relation of Tuberculosis to Insanity, is and must as matters now stand, resolve itself, into a campaign of education:—

1. Of the great mass of the people, and

2. Of the Medical profession whom the people now consult and look to, where the ignorance is most greatly manifested.

I have been instructed by the Congress of November to take charge of the publication of the Bulletin of that Congress.

This Section has not a Dollar in its Treasury, and is more than $1,000 out-standing indebtedness, most of which has been advanced, by the late Treasurer, and of which all the contributions promised have been paid but two of $25 each.

The publication of its Bulletin so that it could reach the masses of our people would be of greater importance to us and to the cause than all the labor done or money expended.

Without advertising, the probable cost of publishing an edition of 500 copies, or 1000 copies of this work with the large accumulation at the disposition of our management would not be far from $600.

At a rough estimate, every additional 1000 would cost about $50. If we could distribute 5000 copies of the Bulletin, it would not require more than $500, or $1,000 in all. We could start it on a capital of $600, and on an edition of 1000 or 2000 copies keep the type and make the work sell for enough to pay its way and accomplish its purposes.

The Council of the Congress will, no doubt, at once subscribe for 100 copies of the work and provide for the payment of $100 to the publisher at $1.00 per copy.

Publishers should be offered the Bulletin in lots of 100, at the same price per copy, with a commission off so as to protect the purchaser and not let any one have the power or right to sell one single copy at less than $1.00 per volume, except such subscribers, or Publishing Houses. The retiring President will start the sub-

scription for ten copies for $1.00 each and members of the present management will do the same and every officer of the Congress be asked to sign for five or more copies at $1.00 each at least.

Nearly 100 pages of the Bulletin is already in type and subscriptions at these rates should be cash in advance.

Subscriptions at these rates, or contributions, to and in the publication are desired from every one to whom this is sent.

The undersigned subscribes for ten copies at $1.00 each, cash in advance. Yours faithfully,

CLARK BELL,
Secretary of Council.

The President of the Republic of Guatemala enrolls as a member of the American International Congress, and accepts an Honorary Presidency of the Congress. His letter is as follows:

Translated by Dr. Juan J. Ulloa, Delegate from Costa Rico.
Guatemala, February 10, 1907.

Senor Don Clark Bell, Esq.,
39 Broadway, New York.

My dear Sir:—

I send herewith the sum of $3.80 in accordance with your circular letter of December 31st, to which I refer, to pay one dollar as my contribution for 1906 as a member of the American International Congress on Tuberculosis, as also $1.00 for the year 1907, 30 cents to pay for the badge of distinction and $1.50 to pay for Vols. 23, 24 and 25 of the Medico-Legal Journal to which I am entitled.

Yours very respectfully,

M. ESTRADA CABRERA.
(Seal of the President of the Republic of Guatemala.)

The newly elected management of the American International Congress has made no announcement of its intention to participate in the Jamestown Exposition, and that Congress is not likely to take part in the celebration.

President Illion and Secretary Smith and some of the leading members of the Council, were last November quite strongly inclined to do so.

TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

JANUARY MEETING, 1907.

INSTALLATION OF OFFICERS.

The Medico-Legal Society met at Dinner, at the Hotel St. Andrew, Broadway and 72d Street, New York, at 7 p. m., for the Annual Installation of Officers.

The President, Clark Bell, Esq., in the Chair, and J. R. Abarbanell, Esq., Secretary.

The Chair read from the notice of the meeting the following order:

Inaugural address by the President-elect.

Annual Reports from the Officers on the work of the Society during the past year.

The President asks the officers and members to contribute in advance of the session, if practicable, their views in answer to the question: What has been in your opinion the most noticeable advance in Forensic medicine during the past year in any department of that science?

The reading of the December Minutes was laid over to the February Meeting.

The following members were duly elected on the recommendation of the Executive Committee:

Honorary Member—Hon. Elihu Root, Secretary of State.

The cloth was removed at 9 o'clock p. m., and the officers elected at the Annual Meeting in December, 1906, for the ensuing year were duly installed in their several offices. Ex-President Albert Bach officiated as installing officer.

The President-elect Clark Bell, Esq., LL. D., made an Inaugural Address, which was ordered printed at length in the Journal.

The Secretary, J. R. Abarbanell, made an Annual Report as to the membership of the Society, which was duly received and ordered printed with the Annual Address of the President.

The Treasurer made an Annual Report, which was read, ordered placed on file and the Chair requested to name auditors thereon, who named Judge Wm. H. Francis and Dr. J. Mount Bleyer.

The Chair handed to the Secretary printed copies of the Report of the Select Committee on Embalming adopted at the December Meeting, for the use of the press.

A call was made for responses of the question submitted by the Chair.

Prof. H. S. Eckels, Chairman of the Select Committee, submitted his Report as a reply, which was received and ordered printed.

Vice President Dr. J. Mount Bleyer, when announced, read a paper, which was ordered printed.

Communications were received from Prof. Albert, of Iowa, and others, which were ordered printed in the Journal.

The following committee was named on the recommendations of the President's Address: Judge Abram H. Dailey, Albert Bach, Esq., Judge Wm. H. Francis, T. D. Crothers, M. D., and Dr. J. Mount Bleyer.

A telegram was received from Dr. Ossip Feldman, of St. Petersburgh, Russia, explaining his absence.

Wm. Smith, M. D., of New York, was then introduced by the Chair, who spoke on Embalming by the Right Brachial Artery and its Relation to the Case of Albert T. Patrick; and the December Report of the Society's Select Committee.

Dr. Smith spoke on his studies on the anatomy and the circulatory and systemic system; with which he had been familiar as licentiate of the Royal College of Physicians and Surgeons of Edinburgh, and of the faculty of Physicians and Surgeons of Glasgow, and associated with the great professors in that university in the past. Referring to the Report of the Select Committee by the Right Brachial Artery and as to whether the embalming fluid did enter the lungs in the embalming process, he claimed that it did and must. He presented photographs showing the circulatory system, reproduced by the X-Ray, which he presented to the President of the Society, which he had made many years ago, before the death of Rice. He endorsed the Report of the Committee in the strongest language, especially that it was no longer a question of medical expert opinion, but a question of fact, capable of absolute scientific demonstration, to any one who could by witnessing an emblaming process plainly see the fluid enter and permeate the lungs and testify to it as a positive fact. He exhoibited the skiagraphs which showed the arteries and the whole circulatory system through which the fluid entered the lungs, and presented and exhibited to the Society, his carefully prepared article in the Journal, in which it was published many years ago, illustrating the process by the skyograph submitted. He also referred to an article he had carefully prepared for the Emblaming Juornal Sunnyside, of New York, of the date of January 19th, 1907, in which the skyographs had been reproduced on a large scale, and in which article he had gone into minute details of the manner the fluid entered the lungs in the embalming process by the right brachial artery.

Dr. Smith stated that he was a member of the Medico-Chirurical Society of Edinburgh and a Fellow of the Obstetrical Society of that city.

His teachers in Medical Jurisprudence and Toxicology were Sir Henry Littlejohn, now retired professor of the University of Edinburgh, and Sir Joseph Bell Clate, the President of the College of Surgeons of Edinburgh.

The Society passed a vote of things to Dr. Wm. Smith for his address.

The Society adjourned at a late hour.

CLARK BELL, President.

J. R. ABARBANELL, Secretary.

TRANSACTIONS.

International Congress on Psychiatry, Neurology, Psychology and the Nursing of Lunatics.

HONORARY PRESIDENTS.

H. E. The Minister for Home Affairs, Dr. P. Rink; H. E. The Minister of Justice, Dr. E. E. van Raalte; Dr. G. van Tienhoven, Commissary of Her Majesty the Queen in the Province of North Holland; Dr. W. F. van Leeuwen, Burgomaster of Amsterdam.

GENERAL ORGANISATION AND DIRECTION COMMITTEE.

Dr. G. Jelgersma, professor of psychiatry and neurology at the Leyden university, President. Dr. W. P. Ruijsch, chiefinspector of public health, the Hague, Vice-president. J. van Deventer Szn., inspector of lunatic asylums, Amsterdam. Dr. G. A. M. van Wayenburg, privaat docent of pedology at the Amsterdam university, General-Secretaries. Dr. L. Bouman, Director of the "Bloemendaal" lunatic asylum, Loosduinen, Secretary. Dr. A. Th. Moll, ex-Director of the lunatic asylum, Utrecht, General Treasurer. Dr. J. H. Schuurmans Stekhoven, inspector of lunatic asylum, Utrecht, Treasurer. Dr. C. Winkler, professor of neuropathology and psychiatry at the Amsterdam university; Dr. J. K. A. Wertheim Salomonson, professor of neuropathology at the Amsterdam university; Dr. G. Heymans, professor of philosophy and psychology at the Groningen university.

PROPAGANDA COMMITTEE FOR THE NETHERLANDS.

Dr. P. F. Abbink Spaink, Director of the "Boschrust" neurotic asylum, Apeldoorn; Dr. R. G. van de Sande Bakhuijzen, president of the section Mathematics and Physics of the Royal Academy of Sciences, Amsterdam; Dr. E. M. von Baumhauer, Magistrate, president of the provincial committee of the "Wilhelmina-Vereeniging." Amsterdam; Dr. R. Bavinck, professor of psychologie at the "Vrije Universiteit," Amsterdam; A. M. Benders, medical officer of the "Meerenberg" lnatic asylum, Bloemendaal; Dr. J. Th. Beysens, professor of psychology, Warmond. J. Binnendijk, ex-medical inspector of R. M. army, Hague; Dr. C. F. J. Blooker, member of the second chamber of general-states, Voorburg; G. C. Bolten, medical officer of the "Badhuisweg" neurotic asylum, Scheveningen; Dr. A. Bonebakker, Director of the hospital for epileptics, Amsterdam; Dr. K. H. Bouman, psychiatrist at the "Wilhelmina-Gasthuis" hospital, Amsterdam; H. Breukink, medical officer of the lunatic asylum, Utrecht; C. J. C. Burkens, medical officer of the "Meer en Bosch" epileptic asylum, Heemstede; C. Bijl, Director of the lunatic asylum,

Zutphen; Dr. A. Couvee, Director of the Netherlands hospital and asylum for Jewish lunatics, Amsterdam; Dr. W. H. Cox, Director of the lnunatic asylum, Utrecht; J. H. A. van Dale, Director of the "Veldwijk" lunatic asylum, Ermelo; Dr. C. E. Daniels, physician, Amsterdam; J. W. Deknatel, army-surgeon and medical officer of the prisons, member of the direction committee of the Society of Psychiatry and Neurology, Breda; A. Dupont, medical officer at the "'s-Herrenloo" Iriots-asylum, Ermelo; Dr. P. H. van Eden, Director of the Hospital, Leeuwarden; J. C. van Eelde, ex-regent of the lunatic asylum, honorary member of the Netherland society of psychiatry and neurology, Utrecht; Dr. W. Einthoven, professor of physiology at the university of Leyde; Dr. T. E. Frijlinck, Director of the government lunatic asylum, Medemblik; H. F. A. Giesbers, medical inspector of H. M. army, the Hague; J. F. A. Goossens, medical officer of the "Voorburg" lunatic asylum, Vucht; Dr. J. C. I. van der Hagen, secretary of the society of psychiatry and neurology, inspector of public health, Bois le Duc; Dr. H. J. Mamburger, professor of physiology at the university of Groningen; Dr. G. A. van Hamel, professor of penal justice at the university of Amsterdam; S. Baron van Heemstra, general treasurer of the society for christian nursing of lunatics, honorary member of the "Netherlands Society of Psychiatry and Neurology," Sassenheim; H. W. F. Baron van Heemstra, President of the provincial committee of the "Wilhelmina-Vereeniging," burgomaster of Deventer; Dr. K. Heilbronner, professor of psychiatry and neurology at the university of Utrecht; Dr. S. R. Hermanides, ex-Director of the neurotic Sanatorium, Zeist; J. H. C. Heyse, president of the provincial committee of the "Wilhelmina-Verenniging," Middelburg; J. W. Hofmann, ex-Director of the lunatic asylum, Buitenzorg, Ginniken; C. I. Hoogveld, Director of the "Coudewater" lunatic asylum, Rosmalen; Dr. J. W. Jacobi, Director of the lunatic asylum, Amsterdam; Dr. N. M. Josephus Jitta, assessor of public health, Amsterdam; Dr. A. C. Kam, medical officer of the "Meerenberg" lunatic asylum, Bloemendaal; Dr. M. J. van Erp Taalman Kip, Director of the neurotics asylum, Arnhem; Dr. C. F. A. Koch, professor at the university of Groningen; J. van der Kolk, Director of the "Endegeest" lunatic asylum, Oegstgeest; Dr. J. den Bruyn Kops, vice-medical inspector of H. M. navy, the Hague; J. M. W. Kramer, medical officer of the "Reynier van Arckel" lunatic asylum, 's-Hertogenbosch; Dr. J. Kuiper, Director of the "Wilhelmina-Gasthuis hospital, Amsterdam; Dr. E. C. van Leersum, Professor at the university of Leyde; N. J. Lemel, medical officer of the "Meerenberg" lunatic asylum, Bloemendaal; Dr. S. Lijkles, ex-Director of the lunatic asylum, Soerabaja; C. J. Marcus, medical officer of the "St.-Joris" lunatic asylum, Delft; Dr. L. S. Meyer, Director of the lunatic asylum, Deventer; Dr. F. S. Meyers, neurologist at the "Wilhelmina-Vereeniging," Amsterdam; Dr. A. C. H. Moll, president of the provincial committee of the "Wilhelmina-Gasthuis" Hospital, Arnhem; Dr. L. J. J. Muskens, neurologist at the hispital for epileptics, Amsterdam; Dr. A. J. M. le Nabel, Director of the "Groot-Graffel," lunatic asylum, Warnsveld; Dr. W. Nolen, Professor at the university of Leyde; Dr. C. A. Pekelharing, professor of physiology at the university, honorary member of the Netherland Society of psychiatry and neurology, Utrecht; Dr. P. K. Pel, professor at the university of Amsterdam; Dr. J. F. Plet, Director of the "Oud-Roozenburg" and "Hague" lnnatic asylums, Loosduinen; Dr. N. de Ridder, member of the second chamber of the general states, president of the provincial committee of the "Wilhelmina-Vereeniging," burgomaster of Leyde; Dr. J. Rotgans, professor at the university of Amsterdam; J. L. C. G. A. le Ruttee, medical officer of the "Brinkgreve" lunatic asylum, Deventer; Dr. D. Schermerş, Director of the neurotic Sanatorium, Zeist; Dr. J. Scholtens, Director of the lunatic asylum, Paramaribo; F. P. Schuitemaker, physician at the "Veldzicht" lunatic asylum,

Gorssel; F. H. Schreve, Director of the lunatic asylum, Rotterdam; A. Sikkel Azn., laryngologist, the Hague; R. M. van Steenbergen, Director of the "St. Joris" lunatic asylum, Delft; J. E. Stumpff, Director of the "Binnengasthuis" hospital, Amsterdam; Dr. P. A. H. Sweens, medical officer of the "Voorburg" lunatic asylum, 's-Hertogenbosch; Dr. S. Talma, professor at the university of Utrecht; Dr. J. N. J. E. Thijssen, member of the states provincial of North-Holland, general treasurer of the direction committee of the "Wilhelmina-Vereeniging," Haarlem; W. Vos, Director of the lunatic asylum, Grave; Dr. G. C. van Walsem, Director of the "Meerenberg" lunatic asylum, Bloemendaal; Dr. P. Wellenbergh, psychiatrist, Hague; Dr. K. F. Wenckerbach, professor at the university of Groningen; Dr. P. Wieringa, Director of the "Dennenoord" lunatic asylum, Zuidlaren; Dr. E. Wiersma, professor of neurology and psychiatry at the university of Groningen; Dr. Jhr. B. H. C. K. v. d. Wijck, ex-professor of philosophy at the Utrecht university, Doorn; Dr. phil. C. J. Wijnaendts Francken, the Hague; Dr. H. Zwaardemaker, professor of physiology at the university of Utrecht.

INTERNATIONAL PROPAGANDA-COMMITTEE.

Argentine Republic—Prof. Dr. Domingo Cabred, Buenos Ayres.

Australasia—Prof. Dr. J. E. Neild, Melbourne.

Austria-Hungary—Prof. Dr. G. Anton, Halle; Prof. Dr. L. F. von Hochwarth, Vienna; Prof. Dr. J. Wagner von Jauregg, Vienna; Prof. Dr. C. Mayer, Innsbruck; Prof. Dr. H. Obersteiner, Vienna; Prof. Dr. A. Pick, Prague; Dr. E. Redlich, Vienna; Dr. T. Salgo, Budapest; Dr. J. Sarlinger, Mauer-Oeling.

Belgium—Prof. Dr. J. de Boeck, Brussels; Dr. Buttgenbach, Liege; Dr. J. Crocq, Brussels; Prof. X. Francotte, Liege; Prof. Dr. A. van Gehuchten, Louvain; Dr. Lentz, Tournay; Dr. Paul Masoin, Namur; Dr. L. de Mood, Ghent; Dr. Jules Morel, Mons; Dr. J. Alex Peetehs, Gheel; Dr. Fritz Sano, Antwerp.

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Bulgaria—Dr. Danadjierf, Sophia; Dr. Darlinsky, Karloukowa; Dr. W. Gerdjikoff, Raskowo; Dr. Moskoff, Lowtska; Dr. Paiakoff, Sophia.

Chili—Dr. Guillermo Cijuertes, Santiago; Dr. Artur Herrera Guevara, Santiago; Prof. Dr. I. Ugarte Gutierrez, Santiago; Prof. Dr. Carlos Ibar, Santiago; Prof. Dr. A. Orrego Luco, Santiago; Dr. Joaquim Luco, Santiago; Dr. Guillermo del Sol, Santiago.

Denmark—Dr. Detlefsen, Copenhagen; Prof. Dr. A. Friedenreich, Copenhagen; Prof. Dr. Jacobson, Frederiksberg; Dr. Frederic Lange, Middelfast; Prof. Dr. Knub Pontoppidan, Copenhagen.

France—Dr. G. Ballet, Paris; Dr. Babinski, Paris; Prof. Dr. Brissaud, Paris; Dr. H. Claude, Paris; Prof. Dr. Dejerine, Paris; Dr. E. Dupre, Paris; Prof. Dr. A. Joffroy, Paris; Dr. Pierre Marie, Paris; Dr. A. Marie, Villejuif; Dr. H. Heige, Paris; Prof. Dr. F. Raymond, Paris.

Germany—Prof. Dr. K. Alt, Uchtspringe (Saxe); Prof. Dr. A. Cramer, Gottingen; Prof. Dr. H. Ebbinghaus, Halle a. S.; Prof. Dr. O. Kulpe, Wurzburg; Prof. Dr. E. Meumann, Konigsberg i. P.; Prof. Dr. G. E. Muller, Gottingen; Prof. Dr. R. Sommer, Giessen; Prof. Dr. C. Stumpf, Berlin; Prof. Dr. H. Westphal, Bonn; Prof. Dr. Th. Ziehen, Berlin.

Greece Prof. Dr. M. Katsaras, Athen.

Ireland—Dr. Conolly Norman, Dublin.

Italy—Prof. Dr. Giuseppe d'Abundo, catania; Dr. Giuseppe Antonini, Udine; Prof. Dr. Ernesto Belmondo, Padua; Prof. Dr. Leonardo Bianchi, Naples; Prof. Dr. G. Cesare Ferrari, Bertalia-Bologna; Prof. Dr. Cesare Lombroso, Turin; Prof. Dr. Giovanni Mingazzini, Rome; Prof. Dr. Enrico Morselli, Genova; Prof. Dr. Sancte de Sanctic, Roma; Dr. Ruggero Tambroni, Ferrara; Prof. Dr. Augusto Tamburini, Rome; Prof. Dr. Eugenio Tanzi, Florence.

Luxemburg—Dr. Lucien Buffet, Ettelbruck.

Norway—Dr. Harald Holm, Asker-Christiania; Dr. Ragnar Vogt, Gausthal; Dr. Paul Winge, Christiania.

Portugal—Dr. Bethencourt, Ferreira; Prof. Dr. Miguel Bombarda, Lisbon; Prof. Dr. Jose de Magelhaes, Lisbon; Dr. Caetano, Biward; Dr. Carlos, Santos; Prof. Dr. Egas Moniz, Combra; Prof. Dr. Joaquim Urbano da Costa Ribeiro, Lisbon; Dr. Jose de Lacerda; Dr. Julio de Mattos, Porto; Dr. Lemos, Peixoto; Dr. Magelhaes Lemos, Porto; Dr. Hanperrin, Santos; Prof. Dr. Ricardo Jorge, Lisbon; Dr. Virgilio Machado, Lisbon.

Rumania—Prof. Dr. Al. A. Sutzo, Bucharest.

Russia—Prof. Dr. W. von Bechterew, St. Petersburg; Prof. Dr. L. V. Bloumenau, St. Petersburg; Dr. M. N. Zurovsky, St. Petersburg; Prof. Dr. P. I. Kowalewski, St. Petersburg; Dr. V. P. Ossipow, St. Petersburg; Dr. Reformatsky, St. Petersburg.

Scotland—Prof. Dr. W. Ireland, Musselburgh; Dr. J. H. Macdonald, Glasgow; Dr. J. Macpherson, Edinburgh; Dr. W. Ford Robertson, Edinburgh; Dr. Hamilton C. Marr, Lenzie; Dr. A. R. Urquhart, Perth.

Servia—Dr. V. M. Soubotitsch, Belgrado.

Spain—Prof. Dr. S. Ramon y Cajal, Madrid; Dr. Ramon Esquerra, Madrid; Dr. Jose M. Escuder, Madrid; Dr. Luis Simarro, Madrid; Prof. Dr. Jaime Vera y Popez, Madrid.

Sweden—Prof. Dr. K. G. F. Lennmalm, Stockholm; Dr. T. Neranden, Lund.

Switzerland—Dr. P. Amaldi, Mendrisio; Prof. Dr. A. Forel, Chigny; Prof. Dr. A. Mahaim, Lausanne; Prof. Dr. C. von Monakow, Zurich; Prof. Dr. W. von Speyr, Bern; Dr. Ulrich, Zurich; Prof. Dr. R. Weber, Geneva.

Turkey—Dr. P. Acchioti, Constantinople; Dr. L. Mongeri, Milan.

Uruguay—Prof. Dr. B. Etchepare, Montevideo.

United States—(in formation) Dr. G. Alder Blumer, Providence. R. I.; Dr. Joseph Jastrow, Ph. D., Madison, Wis.; Louise G. Robinowitch, M. D., N. York.

The Congress will be held from the 2nd till the 7th of September, 1907.

The Congress will consist of four sections:

I. Psychiatry and Neurology—Presidents, Prof. Dr. C. Winkler, professor of neuropathology and psychiatry at the University of Amsterdam; Prof. Dr. J. K. A. Wertheim Salomonson, professor of neuropathology at the University of Amsterdam. Secretary, Dr. M. J. van Erp Taalman Kip, Director of the Sanatorium for Neurotics, Arnheim. Members, Prof. Dr. K. Heilbronner, professor of psychiatry at the University of Utrecht; Dr. A. C. Kam, med. officer at the "Meerenberg" Lunatic Asylum, Bloemendaal; Dr. L. J. J. Muskens, neurologist at the hospital for epileptics, Amsterdam; Dr. G. A. M. van Wayenburg, Privaat docent of Pedology at the University of Amsterdam.

II. Psychology and Psycho-physics—President, Prof. Dr. G. Heijmans, professor of philosophy and psychology at the University of

Groningen. Secretary, Prof. Dr. E. Wiersma, professor of neurology and psychiatry at the University of Groningen. Members, Dr. L. Bouman, director of the "Bloemendaal" Lunatic Asylum, Loosduiem; Dr. Phil. C. J. Wijnaendts Francken, the Hague.

III. Nursing of Lunatics—President, Dr. W. P. Ruysch, chief-inspector of public health, the Hague. Secretary, Dr. A. M. Benders, physician at the "Meerenberg" Lunatic Asylum, Bloemendaal. Members, Dr. H. Breukink, medical officer at the Lunatic Asylum, Utrecht; Dr. J. C. I. van der Hagen, inspector of public health, Bois-le-Duc; Dr. G. C. van Walsem, Director of the "Meerenberg" Lunatic Asylum, Bloemendaal.

IV. Exhibition—President, J. van Deventer Szn., inspector of Lunatic Asylums, Amsterdam. Secretary, Dr. F. S. Meijers, neurologist at the "Wilhelmina-Gasthuis" Hospital, Amsterdam. Members, Dr. K. H. Bouman, psychiatrist at the "Wilhelmina-Gasthuis," Hospital, Amsterdam; Dr. A. Couvee, director of the Netherlands Hospital and Asylum for Jewish lunatics, Amsterdam; Dr. J. H. A. van Dale, director of the "Veldwijk" Lunatic Asylum, Ermelo; Dr. C. E. Daniels, physician, Amsterdam; Dr. J. W. Jacobi, director of the Lunatic Asylum, Amsterdam; Dr. E. C. van Leersum, professor at the University of Leyden.

The Congress will be divided into two parts: General Sessions and Meetings of Sections.

In the General Sessions, chosen subjects will be dealt gith by competent men who have been invited to that end.

At the Meetings of Sections, special questions will be discussed and criticism will be invited.

Any one taking an interest in Psychiatry, Neurology, Psychology, and the Nursing of Lunatics may become a member of the Congress.

The languages employed will be English, French and German.

Such members as will oblige us by taking some subject are kindly requested to send synopsis before the 1st of May, 1907, to the Secretary's Office. The Secretary will see to the printing and translation thereof and will hold copies at the disposal of each member of the Congress.

Those wishing to attend the Congress are requested to sign the enclosed card and to return it, together with a cheque for 16|8 and their visiting card to the General Sectary's Office, Prinsengracht 717, Amsterdam. Tickets admitting Member's Ladies may be obtained on payment of 8|4 each. These tickets cover full privileges of the Congress.

Any informations as to the organization and work of the Congress will be gladly given by the Secretary.

A more detailed programme will be issued shortly.

EDITORIAL.

INTERNATIONAL CONGRESS ON PSYCHIATRY, NEUROLOGY, PSYCHOLOGY AND THE NURSING OF LUNATICS.

This body convenes September 2-7, 1907, in Amsterdam. We give detailed notice in another column.

At its meeting held on July 24th, 1903, The Netherlands Psychiatry and Neurology Society unanimously decided to organize an International Congress on Psychiatry, Neurology, Psychology and the Nursing of Lunatics.

The eminent position, which the study of nervous and mental diseases to-day holds in the spheres of Medical science, and the great social interests, bound up in a complete knowledge of all the psychical manifestations of man, render it imperative (in order to afford scope for an interchange of opinions) to have recourse from time to time to a wider and more specialized field than can be found in the narrow confines of sections of a General Medical Congress.

While admitting the great importance of National Societies for the study and development of Psychical and Neurological Science, it is incontestable that International Congresses are unique in their facilities for the complete examination of modern science and for the international collaboration, which is indispensable to the real progress of Science.

In the organization of the projected Congress the traditions of the Congresses at Brussels and Paris have been followed. It is thought, however, that the importance of the Congress will be enhanced by the introduction of a

section of Psychology, which by reason of its influence on our conceptions and methods of psychical examination, is entitled to occupy a prominent position at any Congress, dealing with the different manifestations of Psychical Life.

It will be endeavored as regards the section of The Nursing of Lunatics, to follow in the footsteps of the Congresses at Antwerp and Milan.

We thus earnestly solicit your attendance on our Congress, which will be held in Amsterdam, September 2-7, 1907.

Under the patronage of Her Most Gracious Majesty the Queen Wilhelmina and of His Royal Highness Prince Hendrix of the Netherlands.

MR. DISTRICT ATTORNEY JEROME.

There cannot be two opinions but that Mr. Jerome by the marvellous manner in which he has executed the duties of his office, more especially in the brilliancy of the cross-examination of the wife of Thaw, has placed his fame as a Medico-Legal Jurist in the front ranks of Counsel who have achieved the highest success in Medico-Legal Science. This cross-examination of Mrs. Thaw was most successful, brilliant and remarkable.

There is nothing in the recent Judicial Annals of our Courts at all comparable to it. No man at the present American Bar has ever done such a work. None of the lawyers for the defense are at all of his class. He must be considered as the ablest man of the American Bar in the art of cross-examination in criminal cases. He is by far the greatest criminal lawyer at our New York Bar. He has obliterated the flimsy pretext of the charges against White. He has forced the defense to demonstrate the lunacy of Thaw. His work will perhaps ends the trial

by the consignment of Thaw to the mad house as an lunatic. Thaw, the incurable lunatic, will be found guilty by a commission, if it becomes necessary to name one, which will demonstrate his incurable lunacy and at the same time demonstrate the propriety and necessity of the present action.

There can be no question but that Mr. Jerome's name is entitled to stand at the head of the American Criminal Bar. The writer has known every District Attorney that has occupied the position during the last twenty-five years in New York City. No one, who has preceded him would have been at all comparable to him. The masterly manner in which the interests of the City have been protected and with which the cross-examination was conducted, its results and notwithstanding its risks; this brilliant and marvellous cross-examination places Mr. Jerome without peer as one of the most masterly brilliant Medico-Legal Jurists on this Continent.

His opponents never could fathom his intentions.

His sallies, frequent attacks, ever misled them, and he has so masked his batteries that his reserved fire has been as unexpected as deadly.

The friends of Stanford White and of fair play to a great man owe Mr. Jerome an enormous debt.

When Evelyn Thaw with her infamous story left the stand, the public believed her story.

No one need now to hesitate to reject it in toto. It was a blacker crime to thus slander the great architect who being dead, was voiceless to repel or deny it, than the shooting.

When the trial has ended the work of Mr. Jerome in demolishing this fabrication of its Authors, and of forcing the defense to demonstrate the insanity of Thaw and his full criminal responsibility, will be the crowning results of his brilliant, his incomparable ability and genius displayed on this trial.

THE COMMUTATION OF THE SENTENCE OF PATRICK BY GOVERNOR HIGGINS.

The following action of the Executive Committee was laid before the meeting of the Society at the Meeting of January 19, 1907:

At a Meeting of the Executive Committee of the Medico-Legal Society, held at the office of the President on December 31, 1906, at 3 o'clock p. m., the following action was taken:

"It was resolved, as the sense of the Executive Committee, that this Society cannot acquiesce in the commutation of sentence in the case of Albert T. Patrick just made by the retiring Governor for the reasons he assigns as a just and proper determination of this case."

Resolved, That it is the imperative duty of the Society to bring the question of the full pardon of Patrick before the incoming Governor, and to take such steps for the publication of the Report of the Select Committees as were laid before and adopted by the Society at the December Meeting, and to ask the aid and co-operation of the medical profession; of every member of the Society; of all citizens who favor the pardon of Mr. Patrick by the Executive, to aid, assist and co-operate with the Society, in obtaining signatures to its petitions to the incoming Governor for the full pardon of Mr. Patrick.

Resolved, That the President be authorized to make application to such parties, and to all others, as he may deem best to secure the co-operation of all good citizens who desire this result."

CLARK BELL, President.

THEODORE BAAB, Sec. Pro Tem.

After discussion the resolutions of the Executive Committee were unanimously adopted by the body.

NEW SANITARIUM FOR THE TREATMENT OF CONSUMPTION IN CHICAGO.

We are delighted to be able to announce that Dr. Thomas Bassett Keyes, M. D., long so prominently identified with the American International Congress on Tuberculosis, and now second Vice President of that organization, has decided to open a new Sanitarium for the treatment of consumption in Chicago, of which he will personally take charge and in which the methods of treatment which he has illuminated with his pen in the Congress, will be carried out.

THE PARDON OF PATRICK.

THE MEDICO-LEGAL SOCIETY APPEALS TO THE PRESS, LAY AND MEDICAL.

The current number has been delayed to enable the Society to appeal to the Press.

Medico-Legal Society, Office of the President,
39 Broadway, New York City.

To the Public Press of New York
and of the Country.

I am instructed by the Medico-Legal Society to apply to both the lay and the Medical Press, to aid the Society in a renewal of its former application for the full pardon of Albert T. Patrick to the present Governor of the State. An unbiased carefully selected Select Committee of this Society, who carefully examined all the evidence given on

the trial; the charge of the Judge from the record used before the Court of Appeals, and the opinion of the Judges joined by a unanimous Report:—

That Rice died from natural causes; that he did not die from chloroform at all.

That the story given by Jones as to details of the death of Rice was false in every respect, incredible, and simply impossible; a fabrication to secure immunity for himself.

The proceedings in the case prevented the renewal of the application for pardon then, because of stays, and the last was granted by Mr. Justice Day in the Federal Court on a motion for a new trial.

That delay enabled the Society to make a careful scientific investigation along strictly scientific lines, on the examination of the whole subject of embalming the bodies of the dead; which was carefully investigated during the year 1906 by a Select Committee, under the chairmanship of Prof. H. S. Eckels, of Philadelphia, the highest authority in this country on the science of embalming, aided by leading embalmers, a chemist and medical men; by which it has been demonstrated and placed beyond all doubt, cavil or question, that the medical testimony, on which the conviction of Patrick was based; "that the embalming fluid did not enter and could not have entered the lungs of Rice," was not true in fact, and given by gentlemen, who not only did not have, and were not shown to have had, any practical knowledge, or experience whatever of that subject.

It was demonstrated that when a body is embalmed by the right brachial artery, as the body of Rice was embalmed by the man who did the embalming, the fluid must and always does enter the lungs and the Committee on August 9, 1906, did thus embalm a body, and every embalmer present, and all the audience saw that the fluid did enter the lungs as a matter of fact.

The innocence of Patrick of the death of Rice became, therefore a matter of absolute scientific demonstration.

The Report of this Select Committee accompanies this application and request which received the full and unanimous approval of this body.

Governor Higgins had commuted the sentence before the action of the Select Committee reached him and so did not even consider this subject.

His reasons were given in writing, and do not meet the case; and the commutation becomes the most serious false step of all the many taken in this case in behalf of Mr. Patrick.

The time may not have come to speak of the methods employed to induce Mr. Patrick to consent to the withdrawal of his motion and the destruction of his stay. It is enough to say, that Mr. Patrick and his wife both were made to believe that that appeal should not be withdrawn nor the stay vacated, until after satisfactory assurance of full pardon by Governor Higgins were assured. This Governor Higgins may not have known, but Mr. Patrick was made to believe that Governor Higgins had insisted on the withdrawal of the appeal before he would consider the case.

It is of little difference now. The commutation to imprisonment for life, the withdrawal of the appeal, and the destruction of the stay without full pardon, was the most terrible ordeal through which this unfortunate has passed, and it is due to Mr. Patrick's Counsel, Judge Olcott and Senator Lindsley to state that they strenuously opposed the withdrawal of the appeal and the vacation of the stay.

The time has now come, when the Medico-Legal Society has asked me to call upon all men and women, who believe and desire that the Governor should promptly pardon this man; who is guiltless of the death of Rice and who is now serving a life sentence in prison for a crime that he has never committed to unite in our effort for his liberation.

I enclose herewith also copy of the petition for pardon this Society calls upon the Public to sign. The petition signed by Physicians did not ask for the pardon of Patrick, so that this body through its medical members must ask the physicians who joined in the application for a medical Commission, and indeed, all Physicians to now sign our petition and forward it to this Society.

Applications for copies will be promptly attended to and when enough are secured, the formal application heretofore made for full pardon will be renewed.

Trusting that the Press will give publicity to this statement, I remain, Respectfully,

CLARK BELL,

President Medico-Legal Society.

This appeal will be made as early in 1907, as our preperations can be completed.

THE COMMUTATION BY GOVERNOR HIGGINS IN CASE OF PATRICK.

COMMENTS OF THE PRESS.

The American Lawyer, Mr. Chapin, Editor, says: —"Right here we enter a protest against the common practice of commuting sentences of death to life imprisonment, because a doubt is felt as to the sufficiency of the evidence. Take Patrick's case for instance. He has been proven guilty of a cold blooded, deliberate murder, or he has not. If proven guilty he should suffer the full penalty, if not proven guilty he should be released. There is no middle course. There is no such thing as splitting the difference and calling it a life imprisonment case. To adopt this course is unjust to the State, unjust to the accused, and is a cowardly way of retreat from a difficult situation.

THE IMPORTANCE AND VALUE OF THE VIGOROUS ENFORCEMENT OF THE LAW IN CRIMINAL CASES BY PROMPT ACTION WHERE ALL DOUBT OF GUILT IS ELIMINATED.

It is a singular fact under our present civilization, in almost every American State, that where after patient and earnest compliance with the laws of the State, has resulted in trial, and conviction of the accused for the crime charged, it is almost certain to be followed by pathetic, and oftentimes, singular appeals from the public for pardon, by the Executive of the State. These are almost always, and we may say, always are from two classes of our fellow citizens:

1. Those who are opposed to capital punishment at all, and (2), from those maudlin sentimentalists who are only happy when they are making application for the guilty party in the case, and seem to have the most pleasure and be the most delighted where the facts in the case develope crimes of peculiar atrocity, and crimes which the normal and law-abiding citizen cannot for a moment tolerate even for a moment with patience.

A trial and a conviction according to law means nothing to such minds. The well-known case of Mrs. ———, convicted and sentenced to be executed for the atrocious murder of her husband, left not the slightest doubt of her guilt, and yet Governor Roosevelt was flooded with petitions for her absolute pardon, or for some modification of the sentence, as would render the administration of our criminal law of no value whatever for the protection of the public.

This same state of things has occurred recently in the State of Georgia, by similar applications for the pardon of John Bullard about whose guilt there was not the shadow of a doubt. The Governor of Georgia is entitled to the thanks of the whole American people for his prompt turning down of such an unmerited application.

MRS. RUSSEL SAGE AND HER BENEFICENCES.

The name of Mrs. Russel Sage goes on to the list of our American Immortals by public acclaim; and her first public foundation for a perpetual beneficence, reveals the great wisdom, foresight and prudence, which are the key notes to her character; but which also illustrates her peculiar fitness and superior ability for the great trust placed in her hands by her husband's death.

Her mother was the sister of Julia Prime, whose sons, Iraenus Prime and William C. Prime, the elder of whom edited that staunch old sheet, the New York Observer, to which I subscribed when a young man of 21.

Her uncle, Alanson Jermaine, the brother of her mother, was the most intimate friend of the writer in his youth and early manhood.

The family was a typical family from the East end of Long Island, staunch, true and God fearing.

Her marriage to Mr. Russel Sage and her long life as his wife, was part of that wonderful evolution, by which the fruits of Mr. Sage's life were brought into that accumulation; of great wealth, which now comes under the administration of this grand woman, who is in many ways fortunate and has the most remarkable fitness for the administration of the vast sums, which are to be consecrated and dedicated for the public weal.

Some years since (not many), Mrs. McNutt introduced the writer to the Minerva Club, to speak on the theme "Of the parsimony of some of our Millionaires," who had been criticized by the author of the paper read before the body, and in some respect in severe terms, naming Mr. Sage by name, the eccentricities of whom as to personal expenditures were discssed in those days in the public press.

I had known Mr. Sage through these family associations almost all my life.

I knew him intimately. Mr. Sage had been educated in that school which held economy in living, as the highest ideal of human excellence.

To his mind waste was a crime, and a useless expenditure of money, was an unpardonable sin.

He had enormous capacity for making money.

His highest endeavor was to economize, and to save it, not to permit a penny to be expended, for dress, living or unnecessary expenditures uselessly.

His soul was engrossed in two objects, making money and saving it.

I described him as I knew him honest, fearless, truthful, but square in business and ever ready to make a good bargain for himself.

The idea of giving away money, did not appeal to him. He could not entertain such an idea or thought.

The pair were childless. I told the Minerva Club "That its critic did not know or comprehend Mr. Sage, but that beside him was a woman, who was in his confidence, who in the natural order of things would survive him.

That she would be almost certainly the almoner and dispenser of that great fortune; and that it required no prophet, nor the son of a prophet, to say; that the bulk of that enormous fortune would be devoted to the good of humanity; and to the benefit of man; and that its dispenser would be a woman; and that woman his wife, who had no superior in training, experience, or fitness for that place.

It was Mr. Sage's genius that accumulated this vast fortune.

It would have been the rack for him to have had to create the foundation for its appropriate placing, where it would do the most good. But the man and the wife were in unison that it should thus be devoted.

No one I know has higher qualifications for that honor than Mrs. Sage.

Her recent announcement of a preliminary foundation of $10,000,000 in charge of a list of assistants she has selected, shows her great sagacity, great wisdom.

It is experimental only. It commands our admiration. It is to be hoped it will succeed. We believe it will succeed. It is to be regretted that Mrs. Sage is not ten years younger. The great work of her trust is beyond this $10,000,000.

She is fully adequate to the task if her life is spared.—Pray God it may be. She is of a long lived race.

Her uncle Alanson lived to 93.

It is a grand chapter for the close of such a life as hers, that she can devote to it io much of energy and ability and strength at her advanced age.

QUEENS COUNTY AND HER NEW DISTRICT ATTORNEY.

Perhaps one of the most important cases that has occurred in either the First or Second Judicial District, in the past twenty years, has been the recent act of Judicial investigation, more especially in relation to the propriety of conviction resting upon circumstantial evidence alone.

Mr. District Attorney Ira G. Darrin has been quite equal to the emergency. He realized and recognized that he could only convict on circumstantial evidence and had the courage to grappel with the question.

We are crediably informed that he put in the evidence of sixty-seven witnesses to complete the frame work of the charge he made and which he knew he was compelled to establish or fail in his conviction.

We congratulate Queens County that under such conditions District Attorney Darrin secured a conviction, and this Journal congratulates him upon the result.

THE WHIPPING POST IN DELAWARE.

DELAWARE REFUSES TO ABOLISH IT.

The New York Sun of March 13, announces the defeat of the attempt to abolish the whipping post:

WHIPPING POST STAYS—EFFORTS TO ABOLISH IT IN DELAWARE FAIL.

Dover, Del., March 13.—The stand taken by the legislature at the present session indicates that the whipping post, one of the oldest institutions of the State of Delaware, will be continued indefinitely. All attempts of Daniel B. Ferris, an aged Quaker of Wilmington, to have the custom abolished have met with failure, the bill to this effect introduced by him in February having been killed in the Senate Committee on Revised Statutes without going further.

Ferris read a lengthy paper before the Legislature, declaring that the whipping post was a relic of barbarism and a disgrace to the State of Delaware.

H. C. Taylor, a Republican member of the House, replied to these arguments by pointing out the restraining influence the whipping post has on pesty criminals, who smile at a prison sentence but dread the ordeal of a public flogging.

The Medico-Legal Society adheres to its often expressed views as to the utility and value of the whipping post to the public welfare of the people of that State, as a deterrent to the commission of crime and an aid and ally in its prevention.

Delaware is situated between great cities, so that criminals can enter it and pass through it readily and this was used for criminal purposes.

The Chief Justice of Delaware; its Chancellor; its Public prosecuting officials, all believe that the flogging of the criminal has been a great safeguard and prevention against high crimes. The conviction and punishment of great criminals at the post in Delaware has saved Delaware from thieves and robberies.

The professional criminals from Baltimore, Philadelphia, and Washington have struck out from their field of operation this game settle State, and that class of crimes is now off the lists.

On its own merits the people of Delaware, and its legislature are firm in their convictions that the experience of the State from an early day has been that it

1. Reduces the actual volume of crime committed.

2. That as a deterrent to prevent the commission of crime it is second to nothing ever known or tried.

3. The volume of crime in Delaware kept so low is largely due to the eternal effect of this method of punishment.

4. Delaware, with its punishment by the cat as a derrent is an object lesson for the students of penology throughout the world.

5. It is on too low a plane to judge this form of punishment as inhuman. The larger and higher humanity looks beyond the physical pain, on the back of the boy to his restoration to manhood.

6. There is a peculiar significance in punishing crimes of violence and force by the cat.

It reaches the spot most susceptible to both reformatory and preventive in results.

WASTE OF MONEY IN EXTRAVAGENT SANITARIUM FOR CONSUMPTIVES.

The New Orleans Board of Health has strongly committed itself against large and costly buildings. Open public parks have been authorized and partially opened, in which light and open air are to be the leading factors.

If the Congress of November last succeeded in arresting large expenditure for costly State structures until the whole subject can be thoroughly examined by the Select Committee named by the November Congress, the Congress will have accomplished a great good.

The Symposium instituted by the London Lancet, bears its fruits.

TO OUR READERS.

For many years the Editor of this Journal has never been ill so as to be confined to his bed and room. He has not been able to be at his office nor to leave his room since February 13th, or to work even in his room.

It was the intention of the management to have sent out the papers which the Journal described, to the members and friends who are interested in the pardon of Mr. Patrick, i. e., short appeals to the Medical profession, the embalmers' profession and our own members. By some inexplicable accident our printer has been unable to furnish these various short articles, or was not at the time the last application was sent to members. We, therefore, beg to call the attention of the Society to the subject and shall send during the present month copies of these various appeals. It is not within the intention of the management to be in any haste in making the application for the pardon to the Executive of the State, but to take plenty of time so as to make it a strong presentation of the claim to the Governor which now seems unanswerable for the full pardon of Patrick. It will greatly aid the Editor of the Journal if the members of the Society will take the matter in hand to get petitions signed and returned, because it is not in Mr. Bell's power at the present time, to do that, but the whole subject and copies of all these various applications will be sent out as early as possible, and we hope that the Society will interest itself thoroughly in securing a strong list of names to its petition for the pardon of this unfortunate man.

BOUVINE AND HUMAN TUBERCULOSIS.

The great thinkers are no longer in accord on fundamental questions. All thinkers realize that the issues are still open.

INDIANA BILL CONCERNING IDIOTS, CRIMINALS, ETC.

Dr. H. G. Read, of Tipton, Indiana, sends us the Bill pending in Indiana, as follows:

HOUSE BILL NO. 364.

A Bill for an Act entitled an act to prevent procreation of confirmed criminals, idoits, imbeciles and rapists, providing that superintendents and boards of managers of institutions where such persons are confined shall have the authority and are empowered to appoint a committee of experts, consisting of two (2) physicians, to examine into the mental condition of such inmates.

Whereas, Heredity plays a most important part in the transmission of crime, idiocy and imbecility;

Therefore, be it enacted by the General Assembly of the State of Indiana, That on and after the passage of this act it shall be compulsory for each and every institution in the state, entrusted with the care of confirmed criminals, idiots, rapists and imbeciles, to appoint upon its staff, in addition to the regular institutional physician, two (2) skilled surgeons of recognized ability, whose duty it shall be, in conjunction with the chief physician of the institution, to examine the mental and physical condition of such inmates, as are recommended by the institutional physician and board of managers.

If, in the judgment of this committee of experts, and the board of managers, procreation is inadvisible and there is no probability of improvement of the mental condition of the inmate, it shall be lawful for the surgeons to perform such operation for the prevention of proceration as shall be decided safest and most effective. But this operation shall not be performed except in cases that have been pronounced nonimprovable. Provided that in no case shall the consultation fee be more than three ($3.00) dollars to each expert, to be paid out of the funds appropriated for the maintenance of such institutions.

Mr. Speaker:

Your Committee on Benevolent and Scientific Institutions, to which was referred House Bill No. 364, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

READ,
Chairman.

VON SCHROEN'S RESEARCHES.

We hope soon to have sufficient encouragement to warrant the reproduction of Von Schroen's estimable work at a reasonably low price.

Shall we have a Bulletin at a nominal price?

If enough responses favor we shall issue a popular edition at $1.00 a volume.

The success of the great work will be only at its best when the price makes it within the reach of all our members at $1.00 a copy.

THE SOCIETY OF PHYSICIANS, ALIENISTS AND NEUROLOGISTS OF FRANCE AND COUNTRIES SPEAKING THE FRENCH LANGUAGE.

The Officers of this Society announce its 17th Congress, to be held at Geneva and at Lausanne, Switzerland, August 1 to August 7, 1907, under the Presidency of Prof. Provost of Geneva, and have sent an invitation to the President of the Medico-Legal Society.

The order of Exercises of the Congress will be:

I. Reports and Discussions upon the questions selected by the Congress of Lille. a. Psychiatrie: Les Psychoses periodiques; Reporter: Dr. Antheaume of Paris. b. Neurology; Definition and Nature of Hysteria; Reporters: Dr. Claude of Paris, and Dr. Schnyder of Berne. c. Medical Jurisprudence: The Medico-Legal Expert and the questions of responsibility; Reporter, Dr. Gilbert-Ballet, of Paris.

II. Original Communications upon Psychiatry and Neurology solicited. Replies required before July 1, 1907.

III. Excursions to the Asylums of Bel-Air, Cery and Marsens. The price of admission is 20 francs for members and 10 francs for associate members.

All communications to be addressed to the Secretary General, Dr. Long, of Geneva. Prof. Dr. J L. Prevost, of the University of Geneva, is the President, and Prof. Berdez, of Lausanne, and Dr. Long, of Geneva, are the Secretaries General.

THE NEW AMBASSADOR FROM ENGLAND.

The Government of Great Britain could not have selected a man more agreeable to the American people to represent the Court of St. James, than Hon. James Bryce.

He is a man of parts, of works. Most of his best work

has been such as met the notice, the approval and praise of the best thinkers in America.

He won distinction at the Bar, before he decided to enter public life. He went into the Regius Chair as Regius Professor of Civil Law, and then as far back as 1880 entered Parliament as a Liberal.

In 1886 he was Under-Secretary of State for Foreign Affairs. He stood by Gladstone in those great days of English evolution, including Gladstone's position on Home Rule for Ireland.

He brought out in 1888 his "American Commonwealth," which is not the last of his titles to greatness as a writer and to that wondrous breadth of conception, as to have made it incomparable.

When his party came back into power last year, his selection as Irish Secretary was a matter of course. He is already conceded to be a statesman of the first rank, one whose place is in the Cabinet. He is of higher grade than the British Ambassadors have been in the past.

It is a concession on his part to go out of the Cabinet to accept an Ambassadorship. The two countries need such men as Bryce and it is the environment and the great problems of the immediate future that has made it our good fortune to have such a man as the British Ambassador at the present moment.

THE EMBALMING PROFESSION.

The aid of the embalmers in seconding the efforts of the Medico-Legal Society during the last year were very great.

The evolution of public and professional thought has only to be studied to be recognized.

In the bloodless revolution which has brought the solid public sentiment of the great army of embalmers, we may now safely assert in favor of the entire elimination of the use of fatal poisons from the embalming fluids used, this result has already been accomplished. Is "unfeit accompli"—and this without resort to drastic legislation, but by creating and arousing an intelligent public opinion in its favor.

JOURNALS AND BOOKS.

This department for the March Number will need the indulgence of readers.

On February 13, 1907, the Editor went under the charge of his physician, and the best trained nurse in New York City.

It was a complete surprise to the Editor who had been without practical experience of any kind of illness before in his life.

On March 11th, the Editor had not left his bed or his room.

He can't utilize any of the commenced work. He can only throw himself on the kind indulgence and carrying it over to our next.

The Sunset Magazine, San Francisco, Cal., edited by Charles Sedgwick Aikens.

This Journal seems to bathe in the warmest sensuous glow of the eastern border of the Continent. We quote from its pages a selection for this department, a sketch from the pen of W. Fay Boricke, author of "Sand Springs Hagen," which is in his best style, entilted

Finance in Fairview. By W. Fay Boericke, Author of "Sand Springs to Hazen."

By profession I am a promoter, dealing particularly in mining properties. It is an occupation requiring a certain mental makeup that is born, not made. The ideal promoter must have supreme confidence in himself, he must be a keen judge of men, he must be able, after a few minutes of acquaintance, to lay his finger on the weak point in a man's character, concentrate his attack there, and thus carry his proposition successfully.

All this argues brains, foresight, shrewdness, in certain combination that must be inborn. To be successful he must be willing to take large risks, to carry on without a tremor a stupendous bluff, content only, as is a professional gambler, to keep the percentage in his favor all the time.

All this does not in any way mean that a promoter is a parasite on the community. On the contrary, the promoter is generally a creator of new values, and hence the means by which new wealth is added to the world. He is the advertising agent by which buyer and seller get together, and as such is entitled to his legitimate reward. Any further return he gets than this is the result of his manipulation of the properties he handles, and he should no more be blamed for this than anyone who bulls something he wants to sell, or bears it when he buys.

The deal that marked the beginning of my career occurred some years ago. I had been employed as a clerk in one of the large brokerage firms of southern Nevada, and had already saved several hundred dollars from my modest salary. I say this with some pride, for the atmosphere was not one in which economy was encouraged. Our office was filled with men who had made their fortunes on lucky turns of the stock market. Everyone speculated, everyone had a stock that was bound to go up. The air was filled with tips, always bullish. The men who had lost were ever discreetly silent. The town itself, one of the mushroom growths that spring up almost in a night, in a mining country, was filled with saloons, gambling houses, and dance-halls. Roulette, faro and craps offered easy and tempting ways to double your capital. My brother clerks were about eqaully divided between wearing diamond pins, renting automobiles,

or trying to break the faro bank, and asking their friends for the price of a meal ticket the following week. It was a typical life of a mining camp—easy come, easy go; won to-day and lost to-morrow.

Now I do not want to pose as being morally opposed to speculation, whether on the market or on the roulette wheel. (There is little enough difference between the two for the outsider). But I was firmly determined never to play the other man's game, neither in stocks nor cards. When I should play, it would be I who dealt the cards, and the percentage should be in my favor. I quietly waited until the opportunity should come, and in the meantime was content with the modest five per cent. that the bank paid me on my deposit.

The chance came one evening when I was in the Oberon, a pleasing combination of gambling house and restaurant where I used to get my meals. I was looking around for a seat, for it was six o'clock and the room was crowded, when I felt a jerk on my arm. Turning about, I saw arough looking specimen in a khaki suit and high boots, who held out his hand to me. From his well worn clothes, and free and easy air of independence, I took him for a prospector.

"You don't remember me, I suppose?" he asked.

"Can't say I do," I replied, though his face looked familiar.

"I met you six months ago around here," he answered. "Was dead broke—the tinhorns had got to me good and plenty. You staked me to a meal and a fiver I think, and I want to pay you back. Take dinner with me."

Then I remembered. He told me, as we opened a bottle of Bud together, of his wanderings during the past year. Strange and unco' names flowed from his lips in a steady stream. He had prospected in all the new camps, covering all points of the compass, without finding anything worth while, until he struck Fairview.

"Where's that?" I interrupted.

"I'm telling you," he continued. "It hasn't been heard of so far. And the guineas who are there don't know what a mighty fine proposition they have yet. I've got claims there that are good, and you can play that bunch straight up to the limit. I ain't worrying any more about the future. And I'm putting you next, in a friendly and Christian spirit. If you get out there before the boom, you can pick up something good, and turn it easy when the hooray strikes it."

"How do you get out there?" I asked, interested.

"Best way is to go from here to Austin and then to Fairview. It's two hundred miles, no less. You can probably work your way up with a prospecting outfit, or you can buy a horse and ride. There's plenty of ranches up Smoky River Valley where you can get feed. But you'd better hurry. The boom's liable to come any minute, and then there'll be nothing to it. I saw Westfield in there before I left and he'll start it within a week."

"I'm much obliged to you," I said as we parted later. "I'll think it over and decide quick."

"You want to," he returned. "And another thing—don't be afraid to plunge, if you do go up there. That country has the ore."

That night I decided to go to Fairview. There was no reason to suspect that the information I had just received was false. No one had anything to gain by sending me there. Moreover, it was my own game to handle as I pleased. I resigned from the brokerage company, drew all my savings from the bank in paper money—for cash talks in a boom camp—bought a horse and set out for Austin the next day.

It was one hundred and thirty miles thither, and I made it in four days, fairly quick time, considering the state of the roads and the difficulty of procuring water. I found the town fairly surcharged with excitement. It seemed that I was too late; the news of the wonderful richness of the Fairview strike had already leaked out. Every saloon was crowded with men talking, gesticulating, contra-

dicting. The wildest stories were believed of the values uncovered on the surface. But men in such a state of mind as they were will believe anything. They moved as if in a kind of frenzy. The only prevalent idea was to get out, at once, at any cost. A stranger might have thought that a plague had struck Austin. Every wagon and vehicle in town had long since been bought; burros were guarded at night with loaded rifles. My entrance along the main street meant that I should be instantly surrounded with a crowd of eager bidders for my horse. This was remarkable, as horses are generally not cared for in the desert country, requiring as they do expensive feed and equally expensive water—six dollars a barrel was the price reported in Fairview.

I was in no hurry to sell, however. I tied the pony outside a saloon (keeping a careful eye on him the while) bought a drink, and was all ears to the talk around me. In the pauses I tried to get a clear grip on the situation.

A little reflection showed me it was better than I thought at first. In the first place, I was only seventy miles from Fairview, a good hundred miles nearer than anyone in the south. Even if they had already received the news, I had all of a three-day start on them. Prices of all good properties had naturally taken a tremendous bound, I reasoned, which was unfortunate for me. But I still might get in before they reached the top notch figure. But it must be at once. With the pony I could not do it in less than three days, with a bad, unknown road, and scarcity of water. I dismissed that idea immediately.

There was only one course open. The wise promoter knows that the truest economy often involves the most seeming extravagance. I sold the pony for eighty dollars—an exorbitant figure. Having burned my bridges behind me, I went to the chaffeur who had charge of the only automobile in town, on which was labeled:

"For Fairview—Fare $50.00."

and asked to have a seat reserved for me when it started, which was in an hour.

He shook his head. "Nothin' doing. I'm loaded to the mudguards now; couldn't crowd another pound on for love or money. As it is, I've got three extra tires, and expect to use 'em all, and twice the amount of gasoline. This car has never broke down yet, but it's got the chance of its life this trip. Yer see, I can't help you out."

He was perfectly correct—it was impossible to crowd another man on. "In that case," said I, "will you point out to me some of the men who are going?"

"There's one by the Big Strike saloon—him in a blue flannel shirt with his sleeves tore open."

Going over, I accosted him of torn flannel, and told him bluntly I wanted to buy his seat.

"Won't sell it," he answered.

"Give you sixty dollars."

"No."

"Seventy."

"No."

"Eighty."

He began to waver. I noticed with pleasure that quite a crowd had collected around us. Though disliking cheap notoriety, I saw in this case it would further my ends by proclaiming me a man with money.

"No, it's worth more than eighty dollars for me to get out there," he blurted out.

I knew I had him, and need not exceed my bid.

"Anyone else here who's going in the auto?" I called loudly.

"Hold on," he said. "We may do some business yet. It's yours for eighty-five dollars." I closed with him on the spot.

When we started, an hour later, I noted complacently that I was favored with many stares and curious glances from my fellow passengers. Evidently the story had spread. They tried to find out who I was, why I was going into camp, who were backing me, but I copied the proverbial oyster. Result— they manufactured theories to suit themselves, the favorite being—so I overheard— that I was the confidential representative of the biggest banking hous in Tonopah, one man declaring, in mysterious secret, that he had often seen me closeted with the president.

We made the trip over the desert in seven hours without a breakdown, which was a truly remarkable run. Half past nine at night we came puffing up Main street—a sad looking path between partially cleared sage-brush, flanked on either side with tents. There were no frame buildings, and hardly a stick of timber in the whole camp. Inside most of the tents were improvised bars, where drinks were sold, of dubious quality, at a quarter apiece. Then there was a general supply store, more saloons, and a somewhat larger tent, marked Grand Hotel. Beds consisted of a mattress and a pair of blankets, and were in active demand at two dollars.

I sauntered down to the saloon having the largest number of men within, and bought drinks for the crowd. Then I laid back and listened. Without saying much, I contrived to give then the idea that I was either a capitalist myself, or represented capital. I wanted to get their attitude.

This was not hard. The actual owners of the ground, who had already made valid locations or vicinity of the new strike, were plainly up in the air. They were torn between greed and caution. Every business instinct they possessed urged them to sell their holdings while the boom was on. But had it reached its height? On this point they could only guess, while I had definite knowledge. I knew it had not.

That night I made arrangements with one of the men I had met to look at his claims, which, he declared, were only half a mile distant from the scene of the big strike on the "Nevada Hills." He was a short, heavy-set fellow—I was a good six inches taller—with sandy hair, faded to a nondescript color by the scorching desert sun. His eyes troubled me. They were narrow, slanting, and suspicious, belonging to a man who rings a dollar before pocketing it. It looked like a hard game.

Next morning we started out early, before the heat of the day. On sizing up a prospect I was not entirely a "sucker." A constant acquaintance with mining men had taught me a vast amount of practical knowledge, which I had supplemented by reading and observation. After all, the main think one needs is merely common sense. There is nothing mysterious about it. If the average person put as much acumen in buying a mine or a prospect as he does in an ordinary business deal, instead of regarding the whole thing as a blind gamble, there would be less agitation in favor of an anti-wildcat law.

I let Craney—the owner of the ground—do the talking. That is the easiest way to catch a man if you suspect anything shaky. But in this case the ground spoke for itself. The main strike on the Nevada Hills was only eight or nine hundred yards off. The outcroppings of the two properties looked identical, and from the strike of the ledge there was no doubt but that it went through Craney's property. Surface rock, though not panning gold along the pay-streak, showed a heavy line of black sulphides which I judged carried silver in good amount. This was confirmed by assays shown me. I sampled the ledge myself, however, clear across, in a painstaking manner. Then we went back to camp.

It is not always wise to trust the assayer of a camp too completely. Frequently he has an interest in the claims about to be sold, and it is for his interest to see that a good return is given.

There are many tricks of the trade that accomplish this without making too severe a strain on his conscience. The assayer, if accused of salting, may say with entire truth that the specimen was badly "spotted," which made it impossible to get a fair sample. So I therefore assayed the specimens myself, making use of the knowledge I had picked up from hanging around a friend's laboratory in Tonopah.

The results were better than I hoped. I remembered the words of the man I saw before I left, "Don't be afraid to plunge—that country has the ore." I hunted up Craney, told him I had received a fair return from the samples—I took good care none but myself should know the results—and might consider taking up the proposition, should we arrive at suitable terms.

He evidently had enough faith in his property to believe I would come to him, for his price was ready. "Them claims are worth every cent of fifteen thousand dollars," he said bluntly.

"Oh, come, Mr. Craney," I said, though the price was as reasonable as I had a right to expect. "Consider what you've got. You have a surface showing, not even a gopher hole to test the depth. How do I know that it's not a blanket deposit, and play out before I go six feet?"

"The formation's the same is the Nevada Hills," he answered truthfully. "And it hasn't played out, by a long shot, though they have a sixty-foot shaft. No, the price I give you is the lowest."

"Well, I'll think it over," said I, after some further parley. "Be down at the Gold Reef saloon to-night at eight, and I'll tell you if we can make a deal."

That afternoon I spent principally at the Gold Reef. My stock of ready money was rapidly disappearing, but it would never do to let up at this stage of the game. I became especially intimate with the barkeeper and proprietor, a man of considerable influence in the camp. I played seven-up with him and took good care to lose most of the time. Each time this happened, I produced a fat roll of bills, on the outside of which a yellow fifty clung impressively. It is needless to say that said fifty reposed in solitary grandeur on top of the roll, which itself had been skillfully padded. By eight o'clock my reputation as a good fellow was quoted high. The corollary, entirely unjustified, but the favorite one that the world draws, that I had plenty of money, went likewise.

Promptly at eight o'clock Craney entered. I motioned him to a side table where we were by ourselves to some extent, and got down to business at once.

"Mr. Craney," I began, "I've been thinking your proposition over, and though your price is high, I admit I like the looks of your ground. My people—er—that is—I did not contemplate paying so much for a mere prospect. Nevertheless,—"

But he was firm. "You won't make any mistake, Mr. Russell," he said. "That property is worth every cent of what I want, and I can get it if I wait around."

"I doubt it," I said. "Still, I'll take a chance. I'll give you fifteen thousand for your claim, with a clear title recorded."

"Done," he replied.

"Now we'll have another little drink, and we'll all get in it," said I, motioning to the barkeeper.

I produced a well-worn check book—a new one is always regarded with suspicion. The time had come for the most difficult part of my role. I, who had not a cent remaining in the bank, had to give a check for fifteen thousand dollars, and make this form of payment in a camp where gold, and gold alone, was the only medium of exchange.

"If you want," I said nonchalantly, striving to keep my face from flushing, "I'll write you a check for the amount now."

Every suspicion in Craney's make-up flashed out. "Say," he called, in a tone quite different from his former, "is that check certified?"

"Certainly not," I retorted loudly. "When a man gets a hurry call from—er—gets a hurry call to come up here, he hasn't time to lose a day by going to the bank to get his checks certified. I didn't anyhow. Do I understand you refuse my check?"

There was a little murmur from the men around us. They were as much interested in seeing the sale go through as I was. It would be the first big deal made, and a splendid ad for the camp. The price dazzled them—fifteen thousand dollars for a piece of ground not worth a dollar an acre a few weeks ago.

Craney made no answer, and I saw he was wavering. I knew too much to stay there at that time. Closing my check book with a snap, I slipped my fountain pen in my pocket, and turned on my heel. "Sorry the deal's off, Mr. Craney," I remarked, going out of the door. "Perhaps some obliging person may oblige you next time with the coin—but not for fifteen thousand."

I went up to the Grand Hotel, drew out a chair, lit a dry and very bad cigar, and waited. It took just thirty minutes for Craney to be overwhelmed by the voice of popular opinion. I imagined the arguments they used against him—my appearance, the break I had made concerning "my people," the easy way I had spent money, and finally the utter lack of risk, merely involving a trip to the Tonopah Bank, which would not take over a week at the most. Most powerful of all, I reasoned, to a person of his character, was that someone else would take me to-morrow and interest me in another property, and he would thus lose me for good and all. In half an hour he came up where I was sitting, and was a very, very good dog. No aspersion was meant to be cast on my check, and he was sorry if I had gathered as much from his actions, which certainly intended to convey no such sentiments. If still agreeable to me, he would like to put through the sale on the old terms.

"Well, Mr. Craney," said I, "I don't blame you for being suspicious. A check book isn't hard to acquire, and I know many people are stuck by them. As I said, I'm not terrifically anxious to close this deal, as I'm exceeding my limit on it. However, I like your ground, so—your initials are C. P.?"

I tossed the little slip of blue paper over to him, and imagined the look of amazement with which the teller would regard it when presented.

"Here you are; I think that is correct," I said. "And before you take that little trip to Tonopah, I want you to get your location notice recorded, and the rest of the papers attended to. I want a clear title, you understand."

"Centainly," he agreed. It was important enough to get the papers, but infinitely more so to keep him in Fairview the next day or two. Each hour gained meant so much more chance of swinging the deal. I figured that Westfield had let the news out by this time, and that the road was already crowded with automobiles, teams and supply wagons, filled with men hoping to get in on the ground floor. I expected them in Fairview in two days.

So there was nothing to it but to wait. I set three men to work on the claim, trenching across the vein where I had got the assays. The width was better than I expected, and the quartz, stained to a red-brown, was very promising.

Craney left the camp Wednesday for Tonopah, and I knew the crisis was rapidly approaching. Thursday at noon the first automobile, dusty and oily, came puffing up Main street. It was loaded with men, among whom I recognized some of the most prominent operators of Goldfield and Tonopah. Fortunately, none of them knew me.

The very advent of these men, any one of whom could draw his check for fifty thousand on his own credit, had a tremendous effect on the camp. Town lots doubled in price the next hour. Ragged

prospectors, with hardly the price of a meal in their battered overalls, talked of thousands as if already in their grasp. Stocks in mere prospects took jumps and bounds on the simple statement that it was near the big strike.

But I knew that the majority of the big men—two more autos had come in during the meantime—were too old to be stampeded. They would look around first. So instead of joining the crowd surrounding Dixon, Westfield, Gates, and Stoddard—the four biggest men in Goldfield—I went off to the "Quien Sabe," as I had named my ground, and talked with the men, while examining the latest developments.

Late in the afternoon, I saw the big four examining the strike on the Nevada Hills. After spending some time there, they proceeded slowly along the dike, following the line of the outcroppings. They were headed for the "Quien Sabe," as the ledge went directly through it. I lit a cigar, and sat down on a boulder until they came up.

"Howdy, gentlemen," said Dixon, evidently taking us all for partners, as he came within range. "Any objection to our looking over your property?"

"Help yourselves," I answered. "This is the 'Quien Sabe' claim, and we've got nothing to hide."

"Thank you," said Stoddard, courteously. "We'd like to examine this ledge, if you don't mind."

"Certainly. Here's a pick if you want. The quartz you have in your hand runs very well. Same character as Nevada Hills."

"Looks that way," returned Stoddard. "But—"

"Say," interrupted Westfield here. "Don't this property belong to Craney?"

"It did," said I, calmly. "Now I own it."

Westfield cursed audibly.

"How wide is your ledge," asked Gates.

"Measure yourself," said I. "And sample across if you want to. I don't mind free advertising. I'll tell you, if you want, that the pay-streak averages $80.00 in silver, with some gold values."

They filled an ore bag up with specimens and marked it. Then Dixon said:

"You're in town here, Mr.—

"Russell," said I. "Yes."

"We may want to talk to you later in the evening."

"All right. I'm around at the Grand."

I bought for the men when they quit work at five o'clock, and hinted at silence. They were reliable, and I was sure they would say nothing.

The big four came to me about eight that night, and after some skirmishing, said flatly they wished to buy the "Quien Sabe" outright from me.

"Won't listen to it," said I. "That ground will make any man's fortune. If there's a trace of merit in the whole camp, it's on the 'Quien Sabe.' No, I won't sell it outright."

"Well," said Gates, "we might arrange for you to keep an interest in it."

"State your proposition," said I, easily. "I'll listen to it."

"We'll form a company, and give you fifty thousand shares of stock, to be pooled with ours. That will give you a good interest."

"What else?"

"Ten thousand dollars in cash."

"Couldn't think of it," said I, which was entirely true.

There was a minute's silence.

"You'll excuse us," said Gates.

"Certainly," I replied, rising from the table, and standing by the door out of earshot. They conversed together for a short time while I bit my cigar to pieces. Finally Gates called me.

"Mr. Russell," he said, "we'll give you the stock and fifteen thousand dollars in cash. These are our highest terms."

I paused judiciously. "Gentlemen," said I, "it's a waste of time for me to boost for the property. You've sampled it yourselves and have the assay returns with you. You know the Nevada Hills are sacking ore on the thirty-foot level, and I expect to do the same. I'm not particularly anxious to sell anyway, and certainly not at those terms."

"Well, what are your terms?"

"Seventeen thousand, five hundred, in cash, ten thousand more in sixty days, and fifty thousand shares of stock." I answered briskly.

No one replied. "We'll give you an answer tomorrow, Mr. Russell," said Gates, as they filed out.

During the night an auto filled with Reno capitalists came in. The next morning I had scarcely got out of my blankets before Gates came up, and without a word, handed me a certified check for $17,500.00.

"We've decided to accept your terms, Mr. Russell," he said. If you come with me, we'll make out the necessary papers."

Half an hour later I went hurriedly up to the chauffeur of one of the biggest cars, and said:

"What time does the Tonopah train leave Hazen?"

"Five o'clock."

"Can you make it?"

He shrugged his shoulders.

"Well, take a chance. What's it worth to you?"

"Fifty dollars."

"A hundred if you make it. Start right off."

In spite of steep grades, bad roads, and sand six inches deep, we reached Hazen, just in time. The last two miles was a race against the train itself, but the road was good, and we beat it in, much to the chagrin of some sporting men on the rear platform.

I reached Tonopah the next morning, and as soon as the bank opened, I deposited the check. Craney had not arrived. He had gone around by Austin, and I thought he would get in that morning, if he had an averagely good trip. Hence my anxiety to catch the train at Tonopah, and save a precious day's delay.

Later, in the afternoon, Craney arrived, and seemed surprised to see me. I introduced him to the cashier of the bank, and the last step in the deal was terminated.

In the evening I remember meeting Clarkson, one of the clerks in the brokerage firm in which I was formerly employed. "Great Scott! Russell," he exclaimed, "where've you been and what's doing? Never saw you look so bad in my life. You must have been off on a week's spree. Bet you've lost ten pounds since I saw you last."

"Maybe you're right," I remarked.

"Cost you some money, too," he continued, grinning. "You must have cut a wide swath through your bank roll."

"Right again," said I. "I've spent about five hundred this week."

"That will be a good one to tell the boys—Puritan Russell cutting loose at last. Going to start an office of your own now, or a bank, maybe as you've thrown up your old job?"

"I'm considering it," I answered gravely.

A not from my broker's market letter before me reads that shares in the "Quien Sabe" are advancing rapidly in a buoyant market.

The Quarterly Journal of Inebriety. T. D. Crothers, M. D., Editor and Secretary, 194 Boylston Street, Boston, Mass.

We take pleasure in announcing the new proposition of this old Journal which has so long stood at the head of its domain. We endorse fully what Dr. Crothers says and what he has decided to do for the coming year. We commend the Journal, Dr. Crothers and his useful work to the Students of the Medical Profession.

Announcement.—The Journal of Inebriety after thirty years of continuous studies of the disease of inebriety and drug taking, begins its new decade by entering upon a comparatively new field of physiological and psychological therapeutics, for the treatment of these neurosis. Arrangements have been completed by which The Archives of Physiological Therapy has been consolidated and will hereafter be published as a part of The Journal of Inebriety. This very able monthly has been developing parallel lines of study with The Journal of Inebriety. In the opinion of its managers its scientific value would be greatly enlarged by concentrating its work along some special lines. The disease of inebriety and its allied neurosis is a field of most practical interest, hence The Journal of Inebriety is selected as a medium for continuing the work of The Archives of Physiological Therapy.

Henceforth in addition to the various phases of this subject which The Journal has presented, the therapeutic effects of hot air, radiant light baths, electricity, massage, psycho-therapeutic measures and other physiological means will occupy a prominent space. This effort to clear away the confusion and broaden the studies of therapeutic means for cure, will make The Journal of Inebriety one of the most practical and valuable visitors to every hospital and institution, as well as to all specialists who treat brain and nerve neurotics. We shall aim to present and formulate the latest studies and facts along these frontier lines, and in this way lift the whole field of therapeutics out of its present empiric stage into one of rational therapeutics.

The Edinburgh Lectures on Mental Science. B. T. Troward, late Divisional Judge Punjah. Stead, Darby & Co., 4 Kensington Street W., London. Second Edition (1906).

Judge T. Troward, of London, delivered a course of lectures in Queen Street Hall, Edinburgh, brought out in a brochure, which attracted great attention by the simplicity of its thought and the elegance of its expression. The author issued a second edition in 1906, which is before us.

It is in always a remarkable book, for any student of these truths. It is divided into eight chapters or sub-divisions: 1, Spirit and Matter; 2, The Higher Mode of Intelligence controls the Lower; 3,The Unity of the Spirit; 4, The Subjective and the Objective Mind; 5, The same subject; 6, The Law of Growth; 7, Receptivity; 8, Reciprocal Action of the Universal and the Individual Mind; 9, Causes and Conditions; 10, Intuition; 11, Healing; 12, The Will; 13, In Touch with the Sub-conscious Mind.

Instead of presenting an analysis and review of the work I prefer to give our readers the pleasure of seeing a reproduction of a part of it. It is not easy to select one topic that fairly represents an author, his style, his methods of reasoning, and his power of illustration.

I present his chapters 4 and 5, on the "Subjective and Objective Mind," complete as he presents it without comment or criticism. It is a subject not sufficiently well enough understood. It has a deep and profound interest. Judge Troward has treated it in the simplest possible way and along lines of pure logic without obscuring his theme at any point, and our readers will arise from the perusal of these two chapters refreshed, strengthened and educated.

It seems a higher and a fairer way to present an author's views than by analyzing and criticizing it.

The Circle. Funk & Wagnalls Co., New York.

The success of this new Journal is a marvel in journalism. The planting of a new journal of a high class, with an exceptioanlly fine and selected list of readers, is almost unprecedented. It was a success before its first number appeared. The credit of its inauguration and its execution is due wholly to the publishers, their enterprise and sagacity.

Funk & Wagnalls Company, Publishers, 44-60 East Twenty-Third Street, New York City.

This enterprising house annuonces the early publication of the "Standard Bible Dictionary." It has the emphatic approval of the American clergy. It has been prepared under the editorial direction of the following authorities: Andrew C. Zenos, Professor of Ecclesiastical History in McCormick Theological Seminary, Chicago; Melancthon W. Jacobus, Chairman, Dean of Hartford Theological Seminary and Professor of New Testament Literature and Criticism; Edward E. Nourse, Professor of Biblical Theology in Hartford Theological Seminary.

In association with them as contributors to the articles are American, British and German scholars of first rank, among the more prominent being: Pres. W. D. Mackenzie, Prof. Lewis B. Paton, and Prof. D. B. Macdonald, of Hartford Theological Seminary; Prof. A. S. Carries, of McCormick Theological Seminary, Chicago; Prof. J. H. Ropes, Harvard University; Prof. J. R. S. Sterrett, of Cornell University; Prof. J. A. Kelso, of the Western Theological Seminary; Edward Konig, of Bonn; Profs. Wilhelm Nowack and Erust von Dobschutz, of Strassburg; Prof. Albert Thumb, of Marburg; Prof. Hermann Guthe, of Leipsic; Canon Sanday and Canon Driver, of Oxford; Rev. Dr. George Milligan and Prof. Marcus Dods, of Edinburgh; Prof. James Denny, of Glasgow; Prof. James F. McCurdy, of Toronto; Principal Falcomer, of Halifax; Dr. George E. Post, of Beirut; Prof. G. Buchanan Gray, of Oxford; Prof. J. Vernon Bartlett, of Oxford; Prof. Kirsopp Lake, of Leyden; etc.

The chief characteristics of "The Standard Bible Distionary" is that it will be strictly a dictionary of the Bible, and not a volume of speculations about the Bible. It will not in any sense, be a composite book secured by adaptation from other publications, but will contain first-hand material especially written for it. It will be a work prepared by Bible experts of both continents in such a way as to keep in touch with the problems of to-day. It will be prepared from the standpoint of reverent criticism and evangelical faith, and will aim to present, in convenient form, the facts found in the Scriptures, including a treatment of history, contemporary with Israel. Matters in which the interpretation of Scripture is involved, and which are subjects of critical controversy, are treated with a serious and impartial scholarship. It will be found to be a storehouse of Scriptural information prepared as an evangelical scholarly, and scientific, yet popular work.

BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

Thomas Bassett Keyes, M. D., Chicago. Ill. Six essays on "The Cure of Consumption with Subcutaneous Injections of Oils." Reprint from The Medical Brief, August, 1906.

Theodore Schroeder, N. Y. "Freedom of the Press and 'Obscene' Literature." Published by The Free Speech League, New York.

Therapeutic Medicine. Wm. J. Robinson, M. D., Editor, New York. Vol. 1, No. 1, January, 1907.

Consumption. A Layman's "Theory of the Disease and a Course of Treatment." Paper prepared by Charles H. F. Reilly before the Albany, N. Y., Anti-Tuberculosis Society.

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